

# Senate File 297

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## AN ACT

RELATING TO THE REGULATION OF SNOWMOBILES AND ALL-TERRAIN  
VEHICLES, ESTABLISHING FEES, PROVIDING PENALTIES, AND  
PROVIDING AN APPLICABILITY DATE.

1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 9

1 10 Section 1. Section 321G.1, subsection 1, Code 2003, is  
1 11 amended by striking the subsection and inserting in lieu  
1 12 thereof the following:

1 13 1. "All-terrain vehicle" means the same as defined in  
1 14 section 321I.1.

1 15 Sec. 2. Section 321G.1, subsections 4, 7, 10, 11, 12, 15,  
1 16 17, and 19, Code 2003, are amended to read as follows:

1 17 4. "Dealer" means a person engaged in the business of  
1 18 buying, selling, or exchanging ~~all-terrain vehicles or~~  
1 19 snowmobiles required to be registered under this chapter and  
1 20 who has an established place of business for that purpose in  
1 21 this state.

1 22 7. "Manufacturer" means a person engaged in the business  
1 23 of constructing or assembling ~~all-terrain vehicles or~~  
1 24 snowmobiles required to be registered under this chapter and  
1 25 who has an established place of business for that purpose in  
1 26 this state.

1 27 10. "Operate" means to ride in or on, other than as a  
1 28 passenger, use, or control the operation of ~~an all-terrain~~  
~~1 29 vehicle or a snowmobile~~ in any manner, whether or not the ~~all-~~  
~~1 30 terrain vehicle or snowmobile~~ is moving.

1 31 11. "Operator" means a person who operates or is in actual  
1 32 physical control of ~~an all-terrain vehicle or a snowmobile~~.

1 33 12. "Owner" means a person, other than a lienholder,  
1 34 having the property right in or title to ~~an all-terrain~~  
~~1 35 vehicle or a snowmobile~~. The term includes a person entitled  
2 1 to the use or possession of ~~an all-terrain vehicle or a~~  
2 2 snowmobile subject to an interest in another person, reserved  
2 3 or created by agreement and securing payment or performance of  
2 4 an obligation, but the term excludes a lessee under a lease  
2 5 not intended as security.

2 6 15. "Railroad right-of-way" ~~shall mean~~ means the full  
2 7 width of property owned, leased, or subject to easement for  
2 8 railroad purposes and ~~shall not be~~ is not limited to those  
2 9 areas on which tracks are located.

2 10 17. "Safety certificate" means ~~an all-terrain vehicle or a~~  
2 11 snowmobile safety certificate issued, approved by the  
2 12 commission, issued to a qualified applicant who is twelve  
2 13 years of age or more older.

2 14 19. "Special event" means an organized race, exhibition,  
2 15 or demonstration of limited duration which is conducted on  
~~2 16 public land or ice under the jurisdiction of the commission~~  
2 17 according to a prearranged schedule and in which general  
2 18 public interest is manifested.

2 19 Sec. 3. Section 321G.2, Code 2003, is amended to read as  
2 20 follows:

2 21 321G.2 RULES.

2 22 The commission may adopt rules for the following purposes:

2 23 1. Registration and titling of ~~all-terrain vehicles and~~  
2 24 snowmobiles.

2 25 2. Use of ~~all-terrain vehicles and~~ snowmobiles as far as  
2 26 game and fish resources or habitats are affected.

2 27 3. Use of ~~all-terrain vehicles and~~ snowmobiles on public  
2 28 lands under the jurisdiction of the commission.

2 29 4. Use of ~~all-terrain vehicles and~~ snowmobiles on any  
2 30 waters of the state under the jurisdiction of the commission,  
2 31 while the waters are frozen.

2 32 5. ~~Establish~~ Establishment of a program of grants,  
2 33 subgrants, and contracts to be administered by the department  
2 34 for the development and delivery of certified courses of  
2 35 instruction for the safe use and operation of ~~all-terrain~~  
~~3 1 vehicles and snowmobiles~~ by political subdivisions and

3 2 incorporated private organizations.

3 3 6. Issuance of safety certificates.

3 4 7. Issuance of competition registrations and the  
3 5 participation of ~~all-terrain vehicles and~~ snowmobiles so

3 6 registered in special events.

3 7 The director of transportation may adopt rules not  
3 8 inconsistent with this chapter regulating the use of ~~all-~~  
3 9 ~~terrain vehicles and snowmobiles~~ on streets and highways.  
3 10 Cities may designate streets under the jurisdiction of cities  
3 11 within their respective corporate limits which may be used for  
3 12 snowmobiling and the sport of driving ~~all-terrain vehicles~~.

3 13 In adopting the rules, consideration shall be given to the  
3 14 need to protect the environment and the public health, safety,  
3 15 and welfare; to protect private property, public parks, and  
3 16 other public lands; to protect wildlife and wildlife habitat;  
3 17 and to promote uniformity of rules relating to the use,  
3 18 operation, and equipment of ~~all-terrain vehicles and~~  
3 19 snowmobiles. The rules shall be in conformance with chapter  
3 20 17A.

3 21 Sec. 4. Section 321G.3, Code 2003, is amended to read as  
3 22 follows:

3 23 321G.3 REGISTRATION AND NUMBERING REQUIRED.

3 24 1. Each ~~all-terrain vehicle and~~ snowmobile used on public  
3 25 land or ice of this state shall be currently registered and  
3 26 numbered. A person shall not operate, maintain, or give  
3 27 permission for the operation or maintenance of ~~an all-terrain~~  
3 28 ~~vehicle or a snowmobile~~ on public land or ice unless the ~~all-~~  
3 29 ~~terrain vehicle or snowmobile~~ is numbered in accordance with  
3 30 this chapter, ~~or in accordance with~~ applicable federal laws,  
3 31 ~~or in accordance with~~ an approved numbering system of another  
3 32 state, and unless the identifying number set forth in the  
3 33 registration is displayed as prescribed by rules of the  
3 34 commission.

3 35 2. A registration number shall be assigned, without  
4 1 payment of fee, to ~~all-terrain vehicles and~~ snowmobiles owned  
4 2 by the state of Iowa or its political subdivisions upon  
4 3 application for the number, and the assigned registration  
4 4 number shall be displayed on the ~~all-terrain vehicle or~~  
4 5 snowmobile as required under section 321G.5. A registration  
4 6 number and certificate shall be assigned, without payment of  
4 7 fee, to ~~an all-terrain vehicle or a~~ snowmobile which is exempt  
4 8 from registration but is being titled. A decal displaying an  
4 9 audit number shall not be issued and the registration shall  
4 10 not expire while the ~~all-terrain vehicle or snowmobile~~ is  
4 11 exempt. The application for registration shall indicate the  
4 12 reason for exemption from the fee. The registration  
4 13 certificate shall indicate the reason for exemption.

4 14 Sec. 5. Section 321G.4, Code Supplement 2003, is amended  
4 15 to read as follows:

4 16 321G.4 REGISTRATION WITH COUNTY RECORDER == FEE.

4 17 The owner of each ~~all-terrain vehicle or snowmobile~~  
4 18 required to be numbered shall register it ~~every two years~~  
4 19 annually with the county recorder of the county in which the  
4 20 owner resides or, if the owner is a nonresident, the owner  
4 21 shall register it in the county in which the ~~all-terrain~~  
4 22 ~~vehicle or snowmobile~~ is principally used. The commission has  
4 23 supervisory responsibility over the registration of ~~all-~~  
4 24 ~~terrain vehicles and snowmobiles~~ and shall provide each county  
4 25 recorder with registration forms and certificates and shall  
4 26 allocate registration numbers to each county.

4 27 The owner of the ~~all-terrain vehicle or snowmobile~~ shall  
4 28 file an application for registration with the appropriate  
4 29 county recorder on forms provided by the commission. The  
4 30 application shall be completed and signed by the owner ~~of the~~  
4 31 ~~all-terrain vehicle or snowmobile~~ and shall be accompanied by  
4 32 a fee of ~~twenty-five~~ fifteen dollars and a writing fee. ~~An~~  
4 33 ~~all-terrain vehicle or a~~ A snowmobile shall not be registered  
4 34 by the county recorder until the county recorder is presented  
4 35 with receipts, bills of sale, or other satisfactory evidence  
5 1 that the sales or use tax has been paid for the purchase of  
5 2 the ~~all-terrain vehicle or snowmobile~~ or that the owner is  
5 3 exempt from paying the tax. ~~However, an owner of an all-~~  
5 4 ~~terrain vehicle, except an all-terrain vehicle purchased new~~  
5 5 ~~on or after January 1, 1990, may apply for registration~~  
5 6 ~~without proof of sales or use tax paid until one year after~~  
5 7 ~~January 1, 1990. An all-terrain vehicle or A snowmobile that~~  
5 8 has an expired registration certificate from another state may  
5 9 be registered in this state upon proper application, payment  
5 10 of all applicable registration and writing fees, and payment  
5 11 of a penalty of five dollars.

5 12 Upon receipt of the application in approved form  
5 13 accompanied by the required fees, the county recorder shall  
5 14 enter it upon the records and shall issue to the applicant a  
5 15 ~~pocket-size~~ registration certificate. The certificate shall  
5 16 be executed in triplicate, one copy to be delivered to the

5 17 owner, one copy to the commission, and one copy to be retained  
5 18 on file by the county recorder. The registration certificate  
5 19 shall bear the number awarded to the ~~all-terrain vehicle or~~  
5 20 snowmobile and the name and address of the owner. The  
5 21 registration certificate shall be carried either in the ~~all-~~  
5 22 ~~terrain vehicle or~~ snowmobile or on the person of the operator  
5 23 of the ~~machine snowmobile~~ when in use. The operator of an  
5 24 ~~all-terrain vehicle or a~~ snowmobile shall exhibit the  
5 25 registration certificate to a peace officer upon request, to a  
5 26 person injured in an accident involving an ~~all-terrain vehicle~~  
5 27 ~~or a snowmobile, or~~ to the owner or operator of another ~~all-~~  
5 28 ~~terrain vehicle or~~ snowmobile or the owner of personal or real  
5 29 property when the ~~all-terrain vehicle or~~ snowmobile is  
5 30 involved in a collision or accident of any nature with another  
5 31 ~~all-terrain vehicle or~~ snowmobile or the property of another  
5 32 person, or to the property owner or tenant when the ~~all-~~  
5 33 ~~terrain vehicle or~~ snowmobile is being operated on private  
5 34 property without permission from the property owner or tenant.

5 35 If an ~~all-terrain vehicle or a~~ snowmobile is placed in  
6 1 storage, the owner shall return the current registration  
6 2 certificate to the county recorder with an affidavit stating  
6 3 that the ~~all-terrain vehicle or~~ snowmobile is placed in  
6 4 storage and the effective date of storage. The county  
6 5 recorder shall notify the commission of each ~~all-terrain~~  
6 6 ~~vehicle or~~ snowmobile placed in storage. When the owner of a  
6 7 stored ~~all-terrain vehicle or~~ snowmobile desires to renew the  
6 8 registration, the owner shall make application to the county  
6 9 recorder and pay the registration and writing fees without  
6 10 penalty. A refund of the registration fee shall not be  
6 11 allowed for a stored ~~all-terrain vehicle or~~ snowmobile.

6 12 Sec. 6. Section 321G.5, Code 2003, is amended to read as  
6 13 follows:

6 14 321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

6 15 The owner shall display the identification number on an  
6 16 ~~all-terrain vehicle or a~~ snowmobile in the manner prescribed  
6 17 by the rules of the commission.

6 18 Sec. 7. Section 321G.6, Code 2003, is amended to read as  
6 19 follows:

6 20 321G.6 REGISTRATION == RENEWAL == TRANSFER.

6 21 1. Every ~~all-terrain vehicle or~~ snowmobile registration  
6 22 certificate and number issued expires at midnight December 31,  
6 23 ~~and renewals expire every two years thereafter~~ unless sooner  
6 24 terminated or discontinued in accordance with this chapter.  
6 25 After the first day of September each ~~even-numbered~~ year, an  
6 26 unregistered ~~all-terrain vehicle or~~ snowmobile ~~and renewals~~  
6 27 ~~may be registered or a registration may be renewed~~ for the  
6 28 subsequent ~~biennium year~~ beginning January 1. An ~~all-terrain~~  
6 29 ~~vehicle or snowmobile registered between January 1 and~~  
6 30 ~~September 1 of even-numbered years shall be registered for a~~  
6 31 ~~fee of twelve dollars and fifty cents for the remainder of the~~  
6 32 ~~registration period.~~

6 33 After the first day of September in ~~even-numbered~~ years an  
6 34 unregistered ~~all-terrain vehicle or~~ snowmobile may be  
6 35 registered for the remainder of the current registration  
7 1 period and for the subsequent registration period in one  
7 2 transaction. The fee shall be five dollars for the remainder  
7 3 of the current period, in addition to the registration fee of  
7 4 twenty-five dollars for an ~~all-terrain vehicle~~ and twenty-five  
7 5 dollars for a snowmobile for the subsequent biennium beginning  
7 6 January 1, and a writing fee. Registration certificates and  
7 7 numbers may be renewed upon application of the owner in the  
7 8 same manner as provided in securing the original registration.  
7 9 The ~~all-terrain vehicle or snowmobile registration fee is in~~  
7 10 ~~lieu of personal property tax for each year of the~~  
7 11 ~~registration.~~

7 12 2. An expired ~~all-terrain vehicle or~~ snowmobile  
7 13 registration may be renewed for the same fee as if the owner  
7 14 is securing the original registration plus a penalty of five  
7 15 dollars and a writing fee.

7 16 All ~~all-terrain vehicles used on public land must be~~  
7 17 ~~registered within six months following January 1, 1990, unless~~  
7 18 ~~otherwise exempt.~~

7 19 3. When a person, after registering an ~~all-terrain vehicle~~  
7 20 ~~or a snowmobile,~~ moves from the address shown on the  
7 21 registration certificate, the person shall, within ~~ten~~ thirty  
7 22 days, notify the county recorder in writing of the move and  
7 23 the person's new address.

7 24 4. Upon the transfer of ownership of an ~~all-terrain~~  
7 25 ~~vehicle or a~~ snowmobile, the owner shall complete the form on  
7 26 the back of the title, if any, and registration, if any, and  
7 27 deliver both to the purchaser or transferee when the ~~all-~~

~~7 28 terrain vehicle or snowmobile is delivered. If the all-~~  
~~7 29 terrain vehicle or snowmobile is not titled, the owner shall~~  
7 30 complete the form on the back of the current registration  
7 31 certificate and shall deliver the certificate to the purchaser  
7 32 or transferee at the time of delivering the ~~all-terrain~~  
~~7 33 vehicle or snowmobile. If the all-terrain vehicle or~~  
7 34 snowmobile has not been titled and has not been registered,  
7 35 the owner shall deliver an affidavit for an unregistered and  
8 1 untitled ~~all-terrain vehicle or snowmobile~~ to the purchaser or  
8 2 transferee. The purchaser or transferee shall, within thirty  
8 3 days of transfer, file a new application form with the county  
8 4 recorder with a fee of one dollar and the writing fee, and a  
8 5 transfer of number shall be awarded in the same manner as  
8 6 provided in an original registration. If the purchaser or  
8 7 transferee does not file a new application form within thirty  
8 8 days of transfer, the transfer of number shall be awarded upon  
8 9 payment of all applicable fees plus a penalty of five dollars.  
8 10 All registrations must be valid for the current  
8 11 registration period prior to the transfer of any registration,  
8 12 including assignment to a dealer.

8 13 5. Duplicate registrations may be issued upon application  
8 14 therefore to the county recorder and the payment of the same  
8 15 fees collected for the transfer of registrations.

~~8 16 A motorcycle, as defined in section 321.1, subsection 40,~~  
~~8 17 paragraph "a", may be registered as an all-terrain vehicle as~~  
~~8 18 provided in this section. A motorcycle registered as an all-~~  
~~8 19 terrain vehicle may participate in all programs established~~  
~~8 20 for all-terrain vehicles under this chapter except for the~~  
~~8 21 safety instruction and certification program.~~

8 22 Sec. 8. Section 321G.7, Code 2003, is amended to read as  
8 23 follows:

8 24 321G.7 FEES REMITTED TO COMMISSION == APPROPRIATION.  
8 25 Within ten days after the end of each month, a county  
8 26 recorder shall remit to the commission the ~~all-terrain vehicle~~  
~~8 27 and snowmobile fees collected by the recorder during the~~  
8 28 previous month. Before January 10 of ~~odd-numbered years each~~  
8 29 year, a recorder shall remit to the commission unused license  
8 30 forms from the previous ~~biennium to the commission year~~.

8 31 The department shall remit the fees to the treasurer of  
8 32 state, who shall place the money in a special ~~conservation~~  
8 33 snowmobile fund. The money is appropriated to the department  
8 34 for the ~~all-terrain vehicle and snowmobile~~ programs of the  
8 35 state. ~~All-terrain vehicle fees shall be used only for all-~~  
~~9 1 terrain vehicle programs and snowmobile fees shall be used~~  
~~9 2 only for snowmobile programs. Joint programs shall be~~  
~~9 3 supported from both types of fees on a usage basis. The all-~~  
~~9 4 terrain vehicle and snowmobile programs shall include grants,~~  
~~9 5 subgrants, contracts, or cost-sharing of all-terrain vehicle~~  
~~9 6 and snowmobile programs with political subdivisions or~~  
9 7 incorporated private organizations or both in accordance with  
9 8 rules adopted by the commission. ~~All all-terrain vehicle~~  
~~9 9 programs using cost-sharing, grants, subgrants, or contracts~~  
~~9 10 shall establish and implement a safety instruction program~~  
~~9 11 either singly or in cooperation with other all-terrain vehicle~~  
~~9 12 programs. Snowmobile fees may be used to support snowmobile~~  
~~9 13 programs on a usage basis. At least fifty percent of the~~  
9 14 special fund shall be available for political subdivisions or  
9 15 incorporated private organizations or both. Moneys from the  
9 16 special fund not used by the political subdivisions or  
9 17 incorporated private organizations or both shall remain in the  
9 18 ~~all-terrain vehicle or snowmobile accounts. The fund and may~~  
9 19 be used by the department may use funds from these accounts  
9 20 for the administration of the ~~all-terrain vehicle and~~  
9 21 snowmobile programs. Notwithstanding section 8.33, moneys in  
9 22 the special fund shall not revert to the general fund of the  
9 23 state at the end of a fiscal year. Notwithstanding section  
9 24 12C.7, subsection 2, interest or earnings on moneys in the  
9 25 special fund shall remain in the fund.

9 26 Sec. 9. Section 321G.8, Code 2003, is amended to read as  
9 27 follows:

9 28 321G.8 EXEMPT VEHICLES.

9 29 Registration shall not be required for the following  
9 30 described ~~all-terrain vehicles and snowmobiles~~:

9 31 1. ~~All-terrain vehicles and snowmobiles~~ Snowmobiles owned  
9 32 and used by the United States, another state, or a political  
9 33 subdivision of another state.

9 34 2. ~~All-terrain vehicles and snowmobiles~~ Snowmobiles  
9 35 registered in a country other than the United States used  
10 1 within this state for not more than twenty consecutive days.

10 2 3. ~~All-terrain vehicles and snowmobiles~~ Snowmobiles  
10 3 covered by a valid license of another state and which have not

10 4 been within this state for more than twenty consecutive days.  
10 5 4. ~~All-terrain vehicles and snowmobiles~~ Snowmobiles not  
10 6 registered or licensed in another state or country being used  
10 7 in this state while engaged in a special event and not  
10 8 remaining in the state for a period of more than ten days.  
10 9 ~~5. All-terrain vehicles used in accordance with section~~  
~~10 10 321.234A.~~  
10 11 ~~6. 5. Snowmobiles and all-terrain vehicles~~ used  
10 12 exclusively as farm implements.  
10 13 Sec. 10. Section 321G.9, unnumbered paragraph 1, Code  
10 14 2003, is amended to read as follows:  
10 15 A person shall not operate ~~an all-terrain vehicle or a~~  
10 16 snowmobile upon roadways or highways, as defined in section  
10 17 321.1, except as provided in ~~section 321.234A and this~~  
10 18 chapter.  
10 19 Sec. 11. Section 321G.9, subsections 1, 2, and 3, Code  
10 20 2003, are amended to read as follows:  
10 21 1. ~~An all-terrain vehicle or~~ A snowmobile shall not be  
10 22 operated at any time within the ~~right-of-way~~ right-of-way of  
10 23 any interstate highway or freeway within this state except  
10 24 ~~under either of the following circumstances:~~  
10 25 ~~a. As provided in section 321.234A.~~  
10 26 ~~b. When when~~ using an underpass located on an interstate  
10 27 highway or freeway if all of the following apply:  
10 28 (+1) ~~a.~~ The underpass has been abandoned and is no longer  
10 29 being used by motor vehicles or trains.  
10 30 (+2) ~~b.~~ Use of the underpass is the only alternative to the  
10 31 use of a traveled roadway.  
10 32 (+3) ~~c.~~ Notwithstanding the provisions of chapter 321, use  
10 33 of the underpass does not conflict with any rules or  
10 34 regulations adopted by a federal governmental entity or this  
10 35 state or a political subdivision of this state.  
11 1 2. ~~An all-terrain vehicle or~~ A snowmobile may make a  
11 2 direct crossing of a street or highway provided all of the  
11 3 following occur:  
11 4 a. The crossing is made at an angle of approximately  
11 5 ninety degrees to the direction of the highway and at a place  
11 6 where no obstruction prevents a quick and safe crossing, ~~and,~~  
11 7 b. The ~~all-terrain vehicle or~~ snowmobile is brought to a  
11 8 complete stop before crossing the shoulder or main traveled  
11 9 way of the highway, ~~and,~~  
11 10 c. The driver yields the ~~right-of-way~~ right-of-way to all  
11 11 oncoming traffic which constitutes an immediate hazard, ~~and,~~  
11 12 d. In crossing a divided highway, the crossing is made  
11 13 only at an intersection of such highway with another public  
11 14 street or highway.  
11 15 3. ~~An all-terrain vehicle or~~ A snowmobile shall not be  
11 16 operated on public highways under any of the following  
11 17 conditions:  
11 18 a. On the roadway portion of a highway and adjacent  
11 19 shoulder, or at least five feet on either side of the roadway,  
11 20 except as provided in subsection 4 ~~of this section, and,~~  
11 21 b. On limited access highways and approaches, ~~and,~~  
11 22 c. For racing any moving object, ~~and,~~  
11 23 d. Abreast with one or more other ~~all-terrain vehicles or~~  
11 24 snowmobiles on a city highway.  
11 25 Sec. 12. Section 321G.9, subsection 4, unnumbered  
11 26 paragraph 1, Code 2003, is amended to read as follows:  
11 27 A registered ~~all-terrain vehicle or~~ snowmobile may be  
11 28 operated under the following conditions:  
11 29 Sec. 13. Section 321G.9, subsection 4, paragraph d, Code  
11 30 2003, is amended to read as follows:  
11 31 d. On the roadways of that portion of county highways  
11 32 designated by the county board of supervisors for such use  
11 33 during a specified period. The county board of supervisors  
11 34 shall evaluate the traffic conditions on all county highways  
11 35 and designate roadways on which ~~all-terrain vehicles or~~  
12 1 snowmobiles may be operated for the specified period without  
12 2 unduly interfering with or constituting an undue hazard to  
12 3 conventional motor vehicle traffic. Signs warning of the  
12 4 operation of ~~all-terrain vehicles or~~ snowmobiles on the  
12 5 roadway shall be placed and maintained on the portions of  
12 6 highway thus designated during the period specified for the  
12 7 operation.  
12 8 Sec. 14. Section 321G.9, subsection 4, paragraph f, Code  
12 9 2003, is amended by striking the paragraph.  
12 10 Sec. 15. Section 321G.9, subsections 6 and 7, Code 2003,  
12 11 are amended to read as follows:  
12 12 6. a. ~~An all-terrain vehicle or~~ A snowmobile shall not be  
12 13 operated on or across a public highway by a person under  
12 14 sixteen years of age who does not have in the person's

12 15 possession a safety certificate issued to the person pursuant  
12 16 to this chapter.

12 17 b. A person twelve to fifteen years of age and possessing  
12 18 a valid safety certificate must be under the direct  
12 19 supervision of a parent, guardian, or another adult authorized  
12 20 by the parent or guardian, who is experienced in ~~all-terrain~~  
~~12 21 vehicle or snowmobile operation~~, and who possesses a valid  
12 22 driver's license as defined in section 321.1, or a safety  
12 23 certificate issued under this chapter.

12 24 7. ~~An all-terrain vehicle or~~ A snowmobile shall not be  
12 25 operated within the ~~right-of-way~~ ~~right-of-way~~ of a primary  
12 26 highway between the hours of sunset and sunrise except on the  
12 27 right-hand side of the ~~right-of-way~~ ~~right-of-way~~ and in the  
12 28 same direction as the motor vehicular traffic on the nearest  
12 29 lane of traveled portion of the ~~right-of-way~~ ~~right-of-way~~.

12 30 Sec. 16. Section 321G.10, Code 2003, is amended to read as  
12 31 follows:

12 32 321G.10 ACCIDENT REPORTS.

12 33 If ~~an all-terrain vehicle or~~ a snowmobile is involved in an  
12 34 accident resulting in injury or death to anyone or property  
12 35 damage amounting to ~~two hundred~~ one thousand dollars or more,  
13 1 either the operator or someone acting for the operator shall  
13 2 immediately notify the county sheriff or another law  
13 3 enforcement agency in the state. ~~The~~ If the accident occurred  
13 4 on public land or ice under the jurisdiction of the  
13 5 commission, the operator shall file with the commission a  
13 6 report of the accident, within ~~forty-eight~~ seventy-two hours,  
13 7 containing information as the commission may require. All  
13 8 other accidents shall be reported as required under section  
13 9 321.266.

13 10 Sec. 17. Section 321G.11, subsections 1 and 2, Code 2003,  
13 11 are amended to read as follows:

13 12 1. ~~An all-terrain vehicle or~~ A snowmobile shall not be  
13 13 operated without suitable and effective muffling devices which  
13 14 limit engine noise to not more than eighty-six decibels as  
13 15 measured on the "A" scale at a distance of fifty feet; and a  
13 16 snowmobile, manufactured after July 1, 1973, which is sold,  
13 17 offered for sale, or used in this state, except in an  
13 18 authorized special event, shall have a muffler system that  
13 19 limits engine noise to not more than eighty-two decibels as  
13 20 measured on the "A" scale at a distance of fifty feet.

13 21 2. The commission may adopt rules with respect to the  
13 22 inspection of ~~all-terrain vehicles and~~ snowmobiles and testing  
13 23 of ~~their~~ snowmobile mufflers.

13 24 Sec. 18. Section 321G.12, Code 2003, is amended to read as  
13 25 follows:

13 26 321G.12 ~~HEAD LAMP HEADLAMP~~ == TAIL LAMP == BRAKES.

13 27 ~~Every all-terrain vehicle operated during the hours of~~  
~~13 28 darkness shall display a lighted head lamp and tail lamp.~~  
13 29 Every snowmobile shall be equipped with at least one ~~head lamp~~  
13 30 headlamp and one tail lamp. ~~Every all-terrain vehicle and~~  
13 31 snowmobile shall be equipped with brakes.

13 32 Sec. 19. Section 321G.13, subsection 1, unnumbered  
13 33 paragraph 1, Code 2003, is amended to read as follows:

13 34 A person shall not drive or operate ~~an all-terrain vehicle~~  
~~13 35 or a snowmobile~~:

14 1 Sec. 20. Section 321G.13, subsection 1, paragraphs g and  
14 2 h, Code 2003, are amended to read as follows:

14 3 g. In or on any park or fish and game areas except on  
14 4 designated ~~all-terrain vehicle or~~ snowmobile trails.

14 5 h. Upon an operating railroad right-of-way. ~~An all-~~  
~~14 6 terrain vehicle or~~ A snowmobile may be driven directly across  
14 7 a railroad right-of-way only at an established crossing and,  
14 8 notwithstanding any other provisions of law, may, if  
14 9 necessary, use the improved portion of the established  
14 10 crossing after yielding to all oncoming traffic. This  
14 11 paragraph does not apply to a law enforcement officer or  
14 12 railroad employee in the lawful discharge of the officer's or  
14 13 employee's duties or to an employee of a utility with  
14 14 authority to enter upon the railroad right-of-way in the  
14 15 lawful performance of the employee's duties.

14 16 Sec. 21. Section 321G.13, subsection 2, Code 2003, is  
14 17 amended to read as follows:

14 18 2. A person shall not operate or ride ~~in an all-terrain~~  
~~14 19 vehicle or a snowmobile~~ with a firearm in the person's  
14 20 possession unless it is unloaded and enclosed in a carrying  
14 21 case. However, a nonambulatory person may carry an uncased  
14 22 and unloaded firearm while operating or riding ~~an all-terrain~~  
~~14 23 vehicle or a snowmobile.~~

14 24 Sec. 22. Section 321G.13, subsection 3, Code 2003, is  
14 25 amended by striking the subsection.

14 26 Sec. 23. Section 321G.14, Code 2003, is amended to read as  
14 27 follows:

14 28 321G.14 PENALTY.

14 29 ~~Any~~ A person who ~~shall violate any provision of~~ violates  
14 30 this chapter or ~~any regulation a rule~~ of the commission or  
14 31 director of transportation ~~shall be~~ is guilty of a simple  
14 32 misdemeanor.

14 33 Chapter 232 shall have no application in the prosecution of  
14 34 offenses which are committed in violation of this chapter, and  
14 35 which constitute simple misdemeanors.

15 1 Sec. 24. Section 321G.15, Code 2003, is amended to read as  
15 2 follows:

15 3 321G.15 OPERATION PENDING REGISTRATION.

15 4 The commission shall furnish snowmobile ~~and all-terrain~~  
15 5 ~~vehicle~~ dealers with pasteboard cards bearing the words  
15 6 "registration applied for" and space for the date of purchase.  
15 7 An unregistered ~~all-terrain vehicle or~~ snowmobile sold by a  
15 8 dealer shall bear one of these cards which entitles the  
15 9 purchaser to operate it for ten days immediately following the  
15 10 purchase. The purchaser of a registered ~~all-terrain vehicle~~  
15 11 ~~or~~ snowmobile may operate it for ten days immediately  
15 12 following the purchase, without having completed a transfer of  
15 13 registration. A snowmobile ~~or all-terrain vehicle~~ dealer  
15 14 shall make application and pay all registration and title fees  
15 15 if applicable on behalf of the purchaser of a snowmobile ~~or~~  
15 16 ~~all-terrain vehicle~~.

15 17 Sec. 25. Section 321G.16, Code 2003, is amended to read as  
15 18 follows:

15 19 321G.16 SPECIAL EVENTS.

15 20 The department may authorize the holding of organized  
15 21 special events as defined in this chapter within this state.  
15 22 The department shall adopt rules relating to the conduct of  
15 23 special events held under department permits and designating  
15 24 the equipment and facilities necessary for safe operation of  
15 25 ~~all-terrain vehicles and~~ snowmobiles or for the safety of  
15 26 operators, participants, and observers in the special events.  
15 27 ~~A special event for all-terrain vehicles may include~~  
15 28 ~~motorcycles upon payment of an entrance fee set by the~~  
15 29 ~~organizer of the special event. The department may require~~  
15 30 ~~that part of the motorcycle entrance fee be credited to pay~~  
15 31 ~~costs of all-terrain vehicle programs authorized pursuant to~~  
15 32 ~~section 321G.7.~~ At least thirty days before the scheduled  
15 33 date of a special event in this state, an application shall be  
15 34 filed with the department for authorization to conduct the  
15 35 special event. The application shall set forth the date,  
16 1 time, and location of the proposed special event and any other  
16 2 information the department requires. The special event shall  
16 3 not be conducted without written authorization of the  
16 4 department. Copies of the rules shall be furnished by the  
16 5 department to any person making an application.

16 6 Sec. 26. Section 321G.17, Code 2003, is amended to read as  
16 7 follows:

16 8 321G.17 VIOLATION OF ~~"STOP"~~ STOP SIGNAL.

16 9 A person, after having received a visual or audible signal  
16 10 from a peace officer to come to a stop, shall not operate ~~an~~  
16 11 ~~all-terrain vehicle or a~~ snowmobile in willful or wanton  
16 12 disregard of the signal or interfere with or endanger the  
16 13 officer or any other person or vehicle, or increase speed or  
16 14 attempt to flee or elude the officer.

16 15 Sec. 27. Section 321G.18, Code 2003, is amended to read as  
16 16 follows:

16 17 321G.18 NEGLIGENCE.

16 18 The owner and operator of ~~an all-terrain vehicle or a~~  
16 19 snowmobile are liable for any injury or damage occasioned by  
16 20 the negligent operation of the ~~all-terrain vehicle or~~  
16 21 snowmobile. The owner of ~~an all-terrain vehicle or a~~  
16 22 snowmobile shall be liable for any such injury or damage only  
16 23 if the owner was the operator of the ~~all-terrain vehicle or~~  
16 24 snowmobile at the time the injury or damage occurred or if the  
16 25 operator had the owner's consent to operate the ~~all-terrain~~  
16 26 ~~vehicle or~~ snowmobile at the time the injury or damage  
16 27 occurred.

16 28 Sec. 28. Section 321G.19, Code Supplement 2003, is amended  
16 29 to read as follows:

16 30 321G.19 RENTED SNOWMOBILES ~~AND ALL-TERRAIN VEHICLES~~.

16 31 1. The owner of a rented ~~all-terrain vehicle or~~ snowmobile  
16 32 shall keep a record of the name and address of each person  
16 33 renting the ~~all-terrain vehicle or~~ snowmobile, its  
16 34 registration number, the departure date and time, and the  
16 35 expected time of return. The records shall be preserved for  
17 1 six months.

17 2 2. The owner of ~~an all-terrain vehicle or a~~ snowmobile  
17 3 operated for hire shall not permit the use or operation of a  
17 4 rented ~~all-terrain vehicle or~~ snowmobile unless it has been  
17 5 provided with all equipment required by this chapter or rules  
17 6 of the commission or the director of transportation, properly  
17 7 installed and in good working order.

17 8 Sec. 29. Section 321G.20, unnumbered paragraph 2, Code  
17 9 2003, is amended by striking the unnumbered paragraph.

17 10 Sec. 30. Section 321G.21, subsections 1, 3, 6, 8, 9, and  
17 11 10, Code 2003, are amended to read as follows:

17 12 1. A manufacturer, distributor, or dealer owning ~~any all-~~  
~~17 13 terrain vehicle or a~~ snowmobile required to be registered  
17 14 under this chapter may operate the ~~all-terrain vehicle or~~  
17 15 snowmobile for purposes of transporting, testing,  
17 16 demonstrating, or selling it without the ~~all-terrain vehicle~~  
~~17 17 or snowmobile~~ being registered, except that a special  
17 18 identification number issued to the owner as provided in this  
17 19 chapter shall be displayed on the ~~all-terrain vehicle or~~  
17 20 snowmobile. The special identification number shall not be  
17 21 used on ~~an all-terrain vehicle or a~~ snowmobile offered for  
17 22 hire or for any work or service performed by a manufacturer,  
17 23 distributor, or dealer.

17 24 3. The commission, upon granting an application, shall  
17 25 issue to the applicant a special registration certificate  
17 26 containing the applicant's name and address, the general  
17 27 identification number assigned to the applicant, the word  
17 28 "manufacturer", "dealer", or "distributor", and other  
17 29 information the commission prescribes. The manufacturer,  
17 30 distributor, or dealer shall have the assigned number printed  
17 31 upon or attached to a removable sign or signs which may be  
17 32 temporarily but firmly mounted or attached to the ~~all-terrain~~  
~~17 33 vehicle or snowmobile~~ being used. The display shall meet the  
17 34 requirements of this chapter and the rules of the commission.

17 35 6. Every manufacturer, distributor, or dealer shall keep a  
18 1 written record of the ~~all-terrain vehicles and~~ snowmobiles  
18 2 upon which special registration certificates are used, which  
18 3 record shall be open to inspection by any law enforcement  
18 4 officer or any officer or employee of the commission.

18 5 8. Dealers using special certificates under this chapter  
18 6 shall, before January 10 of each year, furnish the commission  
18 7 with a list of all used ~~all-terrain vehicles and~~ snowmobiles  
18 8 held by them for sale or trade, and upon which the  
18 9 registration fee for the current year has not been paid,  
18 10 giving the previous registration number, name of previous  
18 11 owner at the time the ~~all-terrain vehicle or~~ snowmobile was  
18 12 transferred to the dealer, and other information the  
18 13 commission requires.

18 14 9. If the purchaser or transferee of ~~an all-terrain~~  
~~18 15 vehicle or a~~ snowmobile is a dealer who holds the same for  
18 16 resale and operates the ~~all-terrain vehicle or~~ snowmobile only  
18 17 for purposes incidental to a resale and displays the special  
18 18 dealer's certificate, or does not operate the ~~all-terrain~~  
~~18 19 vehicle or snowmobile~~ or permit it to be operated, the  
18 20 transferee is not required to obtain a new registration  
18 21 certificate but upon transferring title or interest to another  
18 22 person shall sign the reverse side of the title, if any, and  
18 23 the registration certificate of the ~~all-terrain vehicle or~~  
18 24 snowmobile indicating the name and address of the new  
18 25 purchaser. A dealer shall make application and pay all  
18 26 registration and title fees if applicable on behalf of the  
18 27 purchaser of ~~an all-terrain vehicle or a~~ snowmobile. The  
18 28 recorder shall award a transfer of the registration number.  
18 29 If the registration has expired while in the dealer's  
18 30 possession, the purchaser may renew the registration for the  
18 31 same fee and writing fee as if the purchaser is securing the  
18 32 original registration.

18 33 10. When a dealer purchases or otherwise acquires ~~an all-~~  
~~18 34 terrain vehicle or a~~ snowmobile registered in this state, the  
18 35 dealer shall issue a signed receipt to the previous owner,  
19 1 indicating the date of purchase or acquisition, the name and  
19 2 address of the previous owner, and the registration number of  
19 3 the ~~all-terrain vehicle or~~ snowmobile purchased or acquired.  
19 4 The original receipt shall be delivered to the previous owner  
19 5 and one copy shall be mailed or delivered by the dealer to the  
19 6 county recorder of the county in which the ~~all-terrain vehicle~~  
~~19 7 or snowmobile~~ is registered, and one copy shall be delivered  
19 8 to the commission within forty-eight hours.

19 9 Sec. 31. Section 321G.22, Code 2003, is amended to read as  
19 10 follows:

19 11 321G.22 LIMITATION OF LIABILITY BY PUBLIC BODIES AND  
19 12 ADJOINING OWNERS.

19 13 The state, its political subdivisions, and the owners or  
19 14 tenants of property adjoining public lands or the ~~right of way~~  
19 15 ~~right-of-way~~ of a public highway and their agents and  
19 16 employees owe no duty of care to keep the public lands,  
19 17 ditches, or land contiguous to a highway or roadway under the  
19 18 control of the state or a political subdivision safe for entry  
19 19 or use by persons operating ~~an all-terrain vehicle or a~~  
19 20 snowmobile, or to give any warning of a dangerous condition,  
19 21 use, structure, or activity on the premises to persons  
19 22 entering for such purposes, except in the case of willful or  
19 23 malicious failure to guard or warn against a dangerous  
19 24 condition, use, structure, or activity. The state, its  
19 25 political subdivisions, and the owners or tenants of property  
19 26 adjoining public lands or the ~~right of way~~ right-of-way of a  
19 27 public highway, and their agents and employees are not liable  
19 28 for actions taken to allow or facilitate the use of public  
19 29 lands, ditches, or land contiguous to a highway or roadway  
19 30 except in the case of a willful or malicious failure to guard  
19 31 or warn against a dangerous condition, use, structure, or  
19 32 activity.

19 33 This section does not create a duty of care or ground of  
19 34 liability on behalf of the state, its political subdivisions,  
19 35 or the owners or tenants of property adjoining public lands or  
20 1 the ~~right of way~~ right-of-way of a public highway and their  
20 2 agents and employees for injury to persons or property in the  
20 3 operation of ~~all-terrain vehicles or~~ snowmobiles in a ditch or  
20 4 on land contiguous to a highway or roadway under the control  
20 5 of the state or a political subdivision. The state, its  
20 6 political subdivisions, and the owners or tenants of property  
20 7 adjoining public lands or the ~~right of way~~ right-of-way of a  
20 8 public highway and their agents and employees are not liable  
20 9 for the operation of ~~an all-terrain vehicle or a~~ snowmobile in  
20 10 violation of this chapter.

20 11 Sec. 32. Section 321G.23, subsections 1 and 4, Code 2003,  
20 12 are amended to read as follows:

20 13 1. The commission shall provide, by rules adopted pursuant  
20 14 to section 321G.2, for the establishment of certified courses  
20 15 of instruction to be conducted throughout the state for the  
20 16 safe use and operation of ~~all-terrain vehicles and~~  
20 17 snowmobiles. The curriculum shall include instruction in the  
20 18 lawful and safe use, operation, and equipping of ~~all-terrain~~  
20 19 ~~vehicles and~~ snowmobiles consistent with this chapter and  
20 20 rules adopted by the commission and the director of  
20 21 transportation and other matters the commission deems  
20 22 pertinent for a qualified ~~all-terrain vehicle or~~ snowmobile  
20 23 operator.

20 24 4. The commission shall provide safety material relating  
20 25 to the operation of ~~all-terrain vehicles and~~ snowmobiles for  
20 26 the use of nonpublic or public elementary and secondary  
20 27 schools in this state.

20 28 Sec. 33. Section 321G.24, subsections 1, 2, 4, and 5, Code  
20 29 2003, are amended to read as follows:

20 30 1. A person under eighteen years of age shall not operate  
20 31 a snowmobile on public land or ice or land purchased with  
20 32 snowmobile registration funds in this state without obtaining  
20 33 a valid safety certificate issued by the department and having  
20 34 the certificate in the person's possession, unless the person  
20 35 is accompanied on the same snowmobile by a responsible person  
21 1 of at least eighteen years of age who is experienced in  
21 2 snowmobile operation and possesses a valid driver's license,  
21 3 as defined in section 321.1, or a safety certificate issued  
21 4 under this chapter. ~~A person under eighteen years of age~~  
21 5 ~~shall not operate an all-terrain vehicle on public land or~~  
21 6 ~~land purchased with all-terrain vehicle registration funds in~~  
21 7 ~~this state without obtaining a valid safety certificate issued~~  
21 8 ~~by the department and having the certificate in the person's~~  
21 9 ~~possession.~~

21 10 2. Upon application and payment of a fee of three five  
21 11 dollars, a qualified applicant shall be issued a safety  
21 12 certificate which is valid until the certificate is suspended  
21 13 or revoked for a violation of a provision of this chapter or a  
21 14 rule of the commission or the director of transportation. The  
21 15 application shall be made on forms issued by the commission  
21 16 and shall contain information as the commission may reasonably  
21 17 require.

21 18 4. The permit fees collected under this section shall be  
21 19 credited to the ~~state conservation~~ special snowmobile fund  
21 20 created under section 321G.7 and shall be used for safety and  
21 21 educational programs.

21 22 5. A valid ~~all-terrain vehicle or~~ snowmobile safety  
21 23 certificate or license issued to a nonresident by a

21 24 governmental authority of another state shall be considered a  
21 25 valid certificate or license in this state if the permit or  
21 26 license requirements of the governmental authority, excluding  
21 27 fees, are substantially the same as the requirements of this  
21 28 chapter as determined by the commission.

21 29 Sec. 34. Section 321G.25, Code 2003, is amended to read as  
21 30 follows:

21 31 321G.25 STOPPING AND INSPECTING == WARNINGS.

21 32 A peace officer may stop and inspect ~~an all-terrain vehicle~~  
21 33 ~~or a snowmobile~~ operated, parked, or stored on public streets,  
21 34 highways, public lands, or frozen waters of the state to  
21 35 determine if the ~~all-terrain vehicle or snowmobile~~ is  
22 1 registered, numbered, or equipped as required by this chapter  
22 2 and commission rules. The officer shall not inspect an area  
22 3 that is not essential to determine compliance with the  
22 4 requirements. If the officer determines that the ~~all-terrain~~  
22 5 ~~vehicle or snowmobile~~ is not in compliance, the officer may  
22 6 issue a warning memorandum to the operator and forward a copy  
22 7 to the commission. The warning memorandum shall indicate the  
22 8 items found not in compliance and shall direct the owner or  
22 9 operator of the ~~all-terrain vehicle or snowmobile~~ to have the  
22 10 ~~all-terrain vehicle or snowmobile~~ in compliance and return a  
22 11 copy of the warning memorandum with the proof of compliance to  
22 12 the commission within fourteen days. If the proof of  
22 13 compliance is not provided within fourteen days, the owner or  
22 14 operator is in violation of this chapter.

22 15 Sec. 35. Section 321G.26, Code 2003, is amended to read as  
22 16 follows:

22 17 321G.26 TERMINATION OF USE.

22 18 A person who receives a warning memorandum for ~~an all-~~  
22 19 ~~terrain vehicle or a snowmobile~~ shall stop using the ~~all-~~  
22 20 ~~terrain vehicle or snowmobile~~ as soon as possible and shall  
22 21 not operate it on public streets, highways, public lands, or  
22 22 frozen waters of the state until the ~~all-terrain vehicle or~~  
22 23 ~~snowmobile~~ is in compliance.

22 24 Sec. 36. Section 321G.27, Code 2003, is amended to read as  
22 25 follows:

22 26 321G.27 WRITING FEES.

22 27 The county recorder shall collect a writing fee of one  
22 28 dollar ~~and twenty-five cents~~ for ~~an all-terrain vehicle or a~~  
22 29 ~~snowmobile~~ registration.

22 30 Sec. 37. Section 321G.28, Code 2003, is amended to read as  
22 31 follows:

22 32 321G.28 CONSISTENT LOCAL LAWS == SPECIAL LOCAL RULES.

22 33 1. This chapter and other applicable laws of this state  
22 34 shall govern the operation, equipment, numbering, and all  
22 35 other matters relating to ~~an all-terrain vehicle or a~~  
23 1 ~~snowmobile~~ when the ~~all-terrain vehicle or snowmobile~~ is  
23 2 operated or maintained in this state. However, this chapter  
23 3 does not prevent the adoption of an ordinance or local law  
23 4 relating to the operation ~~of~~ or equipment of ~~all-terrain~~  
23 5 ~~vehicles or snowmobiles~~. The ordinances or local laws are  
23 6 operative only so long as they are not inconsistent with this  
23 7 chapter or the rules adopted by the commission.

23 8 2. A subdivision of this state, after public notice by  
23 9 publication in a newspaper having a general circulation in the  
23 10 subdivision, may make formal application to the commission for  
23 11 special rules concerning the operation of ~~all-terrain vehicles~~  
23 12 ~~or snowmobiles~~ within the territorial limits of the  
23 13 subdivision and shall provide the commission with the reasons  
23 14 the special rules are necessary.

23 15 3. The commission, upon application by local authorities  
23 16 and in conformity with this chapter, may make special rules  
23 17 concerning the operation of ~~all-terrain vehicles or~~  
23 18 ~~snowmobiles~~ within the territorial limits of a subdivision of  
23 19 this state.

23 20 Sec. 38. Section 321G.29, Code 2003, is amended to read as  
23 21 follows:

23 22 321G.29 OWNER'S CERTIFICATE OF TITLE == IN GENERAL.

23 23 1. The owner of a snowmobile acquired on or after January  
23 24 1, 1998, ~~or an all-terrain vehicle acquired on or after~~  
23 25 ~~January 1, 2000~~, other than a snowmobile ~~or all-terrain~~  
23 26 ~~vehicle~~ used exclusively as a farm implement, shall apply to  
23 27 the county recorder of the county in which the owner resides  
23 28 for a certificate of title for the snowmobile ~~or all-terrain~~  
23 29 ~~vehicle~~. The owner of a snowmobile ~~or all-terrain vehicle~~  
23 30 used exclusively as a farm implement may obtain a certificate  
23 31 of title. A person who owns a snowmobile ~~or all-terrain~~  
23 32 ~~vehicle~~ that is not required to have a certificate of title  
23 33 may apply for and receive a certificate of title for the  
23 34 snowmobile ~~or all-terrain vehicle~~ and, subsequently, the

23 35 snowmobile ~~or all-terrain vehicle~~ shall be subject to the  
24 1 requirements of this chapter as if the snowmobile ~~or all-~~  
~~24 2 terrain vehicle~~ were required to be titled. All snowmobiles  
24 3 ~~or all-terrain vehicles~~ that are titled shall be registered.  
24 4 2. A certificate of title shall contain the information  
24 5 and shall be issued on a form the department prescribes.  
24 6 3. An owner of a snowmobile ~~or all-terrain vehicle~~ shall  
24 7 apply to the county recorder for issuance of a certificate of  
24 8 title within thirty days after acquisition. The application  
24 9 shall be on forms the department prescribes and accompanied by  
24 10 the required fee. The application shall be signed and sworn  
24 11 to before a notary public or other person who administers  
24 12 oaths, or shall include a certification signed in writing  
24 13 containing substantially the representation that statements  
24 14 made are true and correct to the best of the applicant's  
24 15 knowledge, information, and belief, under penalty of perjury.  
24 16 The application shall contain the date of sale and gross price  
24 17 of the snowmobile ~~or all-terrain vehicle~~ or the fair market  
24 18 value if no sale immediately preceded the transfer and any  
24 19 additional information the department requires. If the  
24 20 application is made for a snowmobile ~~or all-terrain vehicle~~  
24 21 last previously registered or titled in another state or  
24 22 foreign country, the application shall contain this  
24 23 information and any other information the department requires.  
24 24 4. If a dealer buys or acquires a snowmobile ~~or all-~~  
~~24 25 terrain vehicle~~ for resale, the dealer shall report the  
24 26 acquisition to the county recorder on forms provided by the  
24 27 department and may apply for and obtain a certificate of title  
24 28 as provided in this chapter. If a dealer buys or acquires a  
24 29 used snowmobile ~~or all-terrain vehicle~~, the dealer may apply  
24 30 for a certificate of title in the dealer's name within thirty  
24 31 days. If a dealer buys or acquires a new snowmobile ~~or all-~~  
~~24 32 terrain vehicle~~ for resale, the dealer may apply for a  
24 33 certificate of title in the dealer's name.  
24 34 5. A manufacturer or dealer shall not transfer ownership  
24 35 of a new snowmobile ~~or new all-terrain vehicle~~ without  
25 1 supplying the transferee with the manufacturer's or importer's  
25 2 certificate of origin signed by the manufacturer's or  
25 3 importer's authorized agent. The certificate shall contain  
25 4 information the department requires. The department may adopt  
25 5 rules providing for the issuance of a certificate of origin  
25 6 for a snowmobile ~~or all-terrain vehicle~~ by the department upon  
25 7 good cause shown by the owner.  
25 8 6. A dealer transferring ownership of a snowmobile ~~or all-~~  
~~25 9 terrain vehicle~~ under this chapter shall assign the title to  
25 10 the new owner, or in the case of a new snowmobile ~~or new all-~~  
~~25 11 terrain vehicle~~, assign the certificate of origin. Within  
25 12 fifteen days the dealer shall forward all moneys and  
25 13 applications to the county recorder.  
25 14 7. The county recorder shall maintain a record of any  
25 15 certificate of title which the county recorder issues and  
25 16 shall keep each certificate of title on record until the  
25 17 certificate of title has been inactive for five years. When  
25 18 issuing a title for a new snowmobile ~~or new all-terrain~~  
~~25 19 vehicle~~, the county recorder shall obtain and keep on file the  
25 20 certificate of origin. When issuing a title and registration  
25 21 for a used snowmobile ~~or all-terrain vehicle~~ for which there  
25 22 is no title or registration, the county recorder shall obtain  
25 23 and keep on file the affidavit for the unregistered and  
25 24 untitled snowmobile ~~or all-terrain vehicle~~.  
25 25 8. Once titled, a person shall not sell or transfer  
25 26 ownership of a snowmobile ~~or all-terrain vehicle~~ without  
25 27 delivering to the purchaser or transferee a certificate of  
25 28 title with an assignment on it showing title in the purchaser  
25 29 or transferee. A person shall not purchase or otherwise  
25 30 acquire a snowmobile ~~or all-terrain vehicle~~ without obtaining  
25 31 a certificate of title for it in that person's name.  
25 32 9. If the county recorder is not satisfied as to the  
25 33 ownership of the snowmobile ~~or all-terrain vehicle~~ or that  
25 34 there are no undisclosed security interests in the snowmobile  
25 35 ~~or all-terrain vehicle~~, the county recorder may issue a  
26 1 certificate of title for the snowmobile ~~or all-terrain vehicle~~  
26 2 but, as a condition of such issuance, may require the  
26 3 applicant to file with the department a bond in the form  
26 4 prescribed by the department and executed by the applicant,  
26 5 and also executed by a person authorized to conduct a surety  
26 6 business in this state. The form and amount of the bond shall  
26 7 be established by rule of the department. The bond shall be  
26 8 conditioned to indemnify any prior owner and secured party and  
26 9 any subsequent purchaser of the snowmobile or ~~all-terrain~~  
~~26 10 vehicle~~ or person acquiring any security interest in the

26 11 snowmobile ~~or all-terrain vehicle~~, and their respective  
26 12 successors in interest, against any expense, loss, or damage,  
26 13 including reasonable attorney fees, by reason of the issuance  
26 14 of the certificate of title of the snowmobile ~~or all-terrain~~  
~~26 15 vehicle~~ or on account of any defect in or undisclosed security  
26 16 interest upon the right, title, and interest of the applicant  
26 17 in and to the snowmobile ~~or all-terrain vehicle~~. Any such  
26 18 interested person has a right of action to recover on the bond  
26 19 for any breach of its conditions, but the aggregate liability  
26 20 of the surety to all persons shall not exceed the amount of  
26 21 the bond. The bond shall be returned at the end of three  
26 22 years or prior thereto if the snowmobile ~~or all-terrain~~  
~~26 23 vehicle~~ is no longer registered in this state and the  
26 24 certificate of title is surrendered to the department, unless  
26 25 the department has been notified of the pendency of an action  
26 26 to recover on the bond.

26 27 10. The county recorder shall transmit a copy of the  
26 28 certificate of title to the department, which shall be the  
26 29 central repository of title information for snowmobiles ~~and~~  
~~26 30 all-terrain vehicles~~.

26 31 Sec. 39. Section 321G.30, subsection 5, Code 2003, is  
26 32 amended to read as follows:

26 33 5. Five dollars of the certificate of title fees collected  
26 34 under this section shall be remitted by the county recorder to  
26 35 the treasurer of state for deposit in the special ~~conservation~~  
27 1 snowmobile fund created under section 321G.7. The remaining  
27 2 five dollars shall be retained by the county and deposited  
27 3 into the general fund of the county.

27 4 Sec. 40. Section 321G.31, Code 2003, is amended to read as  
27 5 follows:

~~27 6 321G.31 TRANSFER OR REPOSSESSION OF SNOWMOBILE OR ALL-~~  
~~27 7 TERRAIN VEHICLE BY OPERATION OF LAW.~~

27 8 1. If ownership of a snowmobile ~~or all-terrain vehicle~~ is  
27 9 transferred by operation of law, such as by inheritance, order  
27 10 in bankruptcy, insolvency, replevin, or execution sale, the  
27 11 transferee, within thirty days after acquiring the right to  
27 12 possession of the snowmobile ~~or all-terrain vehicle~~, shall  
27 13 mail or deliver to the county recorder satisfactory proof of  
27 14 ownership as the county recorder requires, together with an  
27 15 application for a new certificate of title, and the required  
27 16 fee.

~~27 17 2. If a lienholder repossesses a snowmobile or all-terrain~~  
~~27 18 vehicle by operation of law and holds it for resale, the~~  
27 19 lienholder shall secure a new certificate of title and shall  
27 20 pay the required fee.

27 21 Sec. 41. Section 321G.32, subsection 1, unnumbered  
27 22 paragraph 1, Code 2003, is amended to read as follows:

27 23 A security interest created in this state in a snowmobile  
27 24 ~~or all-terrain vehicle~~ is not perfected until the security  
27 25 interest is noted on the certificate of title.

27 26 Sec. 42. Section 321G.32, subsection 1, paragraph b, Code  
27 27 2003, is amended to read as follows:

27 28 b. The application fee for a security interest is ten  
27 29 dollars. Five dollars of the fee shall be credited to the  
27 30 special ~~conservation~~ snowmobile fund created under section  
27 31 321G.7. The remaining five dollars shall be retained by the  
27 32 county and deposited into the general fund of the county.

27 33 Sec. 43. Section 321G.33, Code Supplement 2003, is amended  
27 34 to read as follows:

27 35 321G.33 VEHICLE IDENTIFICATION NUMBER.

28 1 1. The department may assign a distinguishing number to ~~an~~  
~~28 2 all-terrain vehicle or a snowmobile~~ when the serial number on  
28 3 the ~~all-terrain vehicle or snowmobile~~ is destroyed or  
28 4 obliterated and issue to the owner a special plate bearing the  
28 5 distinguishing number which shall be affixed to the ~~all-~~  
~~28 6 terrain vehicle or snowmobile~~ in a position to be determined  
28 7 by the department. The ~~all-terrain vehicle or snowmobile~~  
28 8 shall be registered and titled under the distinguishing number  
28 9 in lieu of the former serial number. Every ~~all-terrain~~  
~~28 10 vehicle or snowmobile~~ shall have a vehicle identification  
28 11 number assigned and affixed as required by the department.

28 12 2. The commission shall adopt, by rule, the procedures for  
28 13 application and for issuance of a vehicle identification  
28 14 number for homebuilt ~~all-terrain vehicles or snowmobiles~~.

28 15 3. A person shall not destroy, remove, alter, cover, or  
28 16 deface the manufacturer's vehicle identification number, the  
28 17 plate bearing it, or any vehicle identification number the  
28 18 department assigns to ~~an all-terrain vehicle or a snowmobile~~  
28 19 without the department's permission.

28 20 4. A person other than a manufacturer who constructs or  
28 21 rebuilds ~~an all-terrain vehicle or a snowmobile~~ for which

28 22 there is no legible vehicle identification number shall submit  
28 23 to the department an affidavit which describes the ~~all-terrain~~  
~~28 24 vehicle or snowmobile~~. In cooperation with the county  
28 25 recorder, the department shall assign a vehicle identification  
28 26 number to the ~~all-terrain vehicle or snowmobile~~. The  
28 27 applicant shall permanently affix the vehicle identification  
28 28 number to the ~~all-terrain vehicle or snowmobile~~ in a manner  
28 29 that such alteration, removal, or replacement of the vehicle  
28 30 identification number would be obvious.

28 31 Sec. 44. NEW SECTION. 321I.1 DEFINITIONS.

28 32 As used in this chapter, unless the context otherwise  
28 33 requires:

28 34 1. "All-terrain vehicle" means a motorized flotation-tire  
28 35 vehicle with not less than three low-pressure tires, but not  
29 1 more than six low-pressure tires, or a two-wheeled off-road  
29 2 motorcycle, that is limited in engine displacement to less  
29 3 than eight hundred cubic centimeters and in total dry weight  
29 4 to less than eight hundred fifty pounds and that has a seat or  
29 5 saddle designed to be straddled by the operator and handlebars  
29 6 for steering control.

29 7 Two-wheeled off-road motorcycles shall be considered all-  
29 8 terrain vehicles for the purpose of registration. Two-wheeled  
29 9 off-road motorcycles shall also be considered all-terrain  
29 10 vehicles for the purpose of titling if a title has not  
29 11 previously been issued pursuant to chapter 321. An operator  
29 12 of a two-wheeled off-road motorcycle is exempt from the safety  
29 13 instruction and certification program requirements of sections  
29 14 321I.24 and 321I.25.

29 15 2. "A" scale" means the physical scale marked "A"  
29 16 graduated in decibels on a sound level meter which meets the  
29 17 requirements of the American national standards institute,  
29 18 incorporated, publication S1.4=1961, general purpose sound  
29 19 level meters.

29 20 3. "Commission" means the natural resource commission of  
29 21 the department.

29 22 4. "Dealer" means a person engaged in the business of  
29 23 buying, selling, or exchanging all-terrain vehicles required  
29 24 to be registered under this chapter and who has an established  
29 25 place of business for that purpose in this state.

29 26 5. "Department" means the department of natural resources.

29 27 6. "Established place of business" means the place  
29 28 actually occupied either continuously or at regular periods by  
29 29 a dealer or manufacturer where the books and records are kept  
29 30 and the dealer's or manufacturer's business is primarily  
29 31 transacted.

29 32 7. "Manufacturer" means a person engaged in the business  
29 33 of constructing or assembling all-terrain vehicles required to  
29 34 be registered under this chapter and who has an established  
29 35 place of business for that purpose in this state.

30 1 8. "Nonambulatory person" means an individual with  
30 2 paralysis of the lower half of the body with the involvement  
30 3 of both legs, usually caused by disease or injury to the  
30 4 spinal cord, or caused by the loss of both legs or the loss of  
30 5 a part of both legs.

30 6 9. "Nonresident" means a person who is not a resident of  
30 7 this state.

30 8 10. "Operate" means to ride in or on, other than as a  
30 9 passenger, use, or control the operation of an all-terrain  
30 10 vehicle in any manner, whether or not the all-terrain vehicle  
30 11 is moving.

30 12 11. "Operator" means a person who operates or is in actual  
30 13 physical control of an all-terrain vehicle.

30 14 12. "Owner" means a person, other than a lienholder,  
30 15 having the property right in or title to an all-terrain  
30 16 vehicle. The term includes a person entitled to the use or  
30 17 possession of an all-terrain vehicle subject to an interest in  
30 18 another person, reserved or created by agreement and securing  
30 19 payment or performance of an obligation, but the term excludes  
30 20 a lessee under a lease not intended as security.

30 21 13. "Person" means an individual, partnership, firm,  
30 22 corporation, association, and the state, its agencies, and  
30 23 political subdivisions.

30 24 14. "Public land" means land owned by the federal  
30 25 government, the state, or political subdivisions of the state  
30 26 and land acquired or developed for public recreation pursuant  
30 27 to section 321I.8.

30 28 15. "Railroad right-of-way" means the full width of  
30 29 property owned, leased, or subject to easement for railroad  
30 30 purposes and is not limited to those areas on which tracks are  
30 31 located.

30 32 16. "Resident" means a person who meets the requirements

30 33 for residency described in section 321.1A.  
30 34 17. "Roadway" means that portion of a highway improved,  
30 35 designed, or ordinarily used for vehicular travel.  
31 1 18. "Safety certificate" means an all-terrain vehicle  
31 2 safety certificate, approved by the commission, issued to a  
31 3 qualified applicant who is twelve years of age or older.  
31 4 19. "Snowmobile" means the same as defined in section  
31 5 321G.1.  
31 6 20. "Special event" means an organized race, exhibition,  
31 7 or demonstration of limited duration which is conducted on  
31 8 public land or ice under the jurisdiction of the commission  
31 9 according to a prearranged schedule and in which general  
31 10 public interest is manifested.  
31 11 21. "Street" or "highway" means the entire width between  
31 12 property lines of every way or place of whatever nature when  
31 13 any part thereof is open to the use of the public, as a matter  
31 14 of right, for purposes of vehicular travel, except in public  
31 15 areas in which the boundary shall be thirty-three feet each  
31 16 side of the center line of the roadway.  
31 17 Sec. 45. NEW SECTION. 321I.2 RULES.  
31 18 The commission may adopt rules for the following purposes:  
31 19 1. Registration and titling of all-terrain vehicles.  
31 20 2. Use of all-terrain vehicles as far as game and fish  
31 21 resources or habitats are affected.  
31 22 3. Use of all-terrain vehicles on public lands under the  
31 23 jurisdiction of the commission.  
31 24 4. Use of all-terrain vehicles on any waters of the state  
31 25 under the jurisdiction of the commission, while the waters are  
31 26 frozen.  
31 27 5. Establishment of a program of grants, subgrants, and  
31 28 contracts to be administered by the department for the  
31 29 development and delivery of certified courses of instruction  
31 30 for the safe use and operation of all-terrain vehicles by  
31 31 political subdivisions and incorporated private organizations.  
31 32 6. Issuance of safety certificates.  
31 33 7. Issuance of competition registrations and the  
31 34 participation of all-terrain vehicles so registered in special  
31 35 events.  
32 1 8. Issuance of annual user permits for nonresidents and  
32 2 establishment of administrative fees for the issuance of the  
32 3 permits.  
32 4 The director of transportation may adopt rules not  
32 5 inconsistent with this chapter regulating the use of all-  
32 6 terrain vehicles on streets and highways. Cities may  
32 7 designate streets under the jurisdiction of cities within  
32 8 their respective corporate limits which may be used for the  
32 9 sport of driving all-terrain vehicles.  
32 10 In adopting the rules, consideration shall be given to the  
32 11 need to protect the environment and the public health, safety,  
32 12 and welfare; to protect private property, public parks, and  
32 13 other public lands; to protect wildlife and wildlife habitat;  
32 14 and to promote uniformity of rules relating to the use,  
32 15 operation, and equipment of all-terrain vehicles. The rules  
32 16 shall be in conformance with chapter 17A.  
32 17 Sec. 46. NEW SECTION. 321I.3 REGISTRATION AND NUMBERING  
32 18 REQUIRED.  
32 19 1. Each all-terrain vehicle used on public land or ice of  
32 20 this state shall be currently registered and numbered. A  
32 21 person shall not operate, maintain, or give permission for the  
32 22 operation or maintenance of an all-terrain vehicle on public  
32 23 land or ice unless the all-terrain vehicle is numbered in  
32 24 accordance with this chapter or applicable federal laws, or  
32 25 unless the all-terrain vehicle displays a current annual user  
32 26 permit for the all-terrain vehicle. If the all-terrain  
32 27 vehicle is required to be registered in this state, the  
32 28 identifying number set forth in the registration shall be  
32 29 displayed as prescribed by rules of the commission.  
32 30 2. A registration number shall be assigned, without  
32 31 payment of fee, to all-terrain vehicles owned by the state of  
32 32 Iowa or its political subdivisions upon application for the  
32 33 number, and the assigned registration number shall be  
32 34 displayed on the all-terrain vehicle as required under section  
32 35 321I.6. A registration number and certificate shall be  
33 1 assigned, without payment of fee, to an all-terrain vehicle  
33 2 which is exempt from registration but is being titled. A  
33 3 decal displaying an audit number shall not be issued and the  
33 4 registration shall not expire while the all-terrain vehicle is  
33 5 exempt. The application for registration shall indicate the  
33 6 reason for exemption from the fee. The registration  
33 7 certificate shall indicate the reason for exemption.  
33 8 Sec. 47. NEW SECTION. 321I.4 REGISTRATION WITH COUNTY

33 9 RECORDER == FEE.

33 10 The owner of each all-terrain vehicle required to be  
33 11 numbered shall register it annually with the county recorder  
33 12 of the county in which the owner resides or, if the owner is a  
33 13 nonresident, the owner shall register it in the county in  
33 14 which the all-terrain vehicle is principally used. The  
33 15 commission has supervisory responsibility over the  
33 16 registration of all-terrain vehicles and shall provide each  
33 17 county recorder with registration forms and certificates and  
33 18 shall allocate registration numbers to each county.

33 19 The owner of the all-terrain vehicle shall file an  
33 20 application for registration with the appropriate county  
33 21 recorder on forms provided by the commission. The application  
33 22 shall be completed and signed by the owner of the all-terrain  
33 23 vehicle and shall be accompanied by a fee of fifteen dollars  
33 24 and a writing fee. An all-terrain vehicle shall not be  
33 25 registered by the county recorder until the county recorder is  
33 26 presented with receipts, bills of sale, or other satisfactory  
33 27 evidence that the sales or use tax has been paid for the  
33 28 purchase of the all-terrain vehicle or that the owner is  
33 29 exempt from paying the tax. An all-terrain vehicle that has  
33 30 an expired registration certificate from another state may be  
33 31 registered in this state upon proper application, payment of  
33 32 all applicable registration and writing fees, and payment of a  
33 33 penalty of five dollars.

33 34 Upon receipt of the application in approved form  
33 35 accompanied by the required fees, the county recorder shall  
34 1 enter it upon the records and shall issue to the applicant a  
34 2 registration certificate. The certificate shall be executed  
34 3 in triplicate, one copy to be delivered to the owner, one copy  
34 4 to the commission, and one copy to be retained on file by the  
34 5 county recorder. The registration certificate shall bear the  
34 6 number awarded to the all-terrain vehicle and the name and  
34 7 address of the owner. The registration certificate shall be  
34 8 carried either in the all-terrain vehicle or on the person of  
34 9 the operator of the all-terrain vehicle when in use. The  
34 10 operator of an all-terrain vehicle shall exhibit the  
34 11 registration certificate to a peace officer upon request, to a  
34 12 person injured in an accident involving an all-terrain  
34 13 vehicle, to the owner or operator of another all-terrain  
34 14 vehicle or the owner of personal or real property when the  
34 15 all-terrain vehicle is involved in a collision or accident of  
34 16 any nature with another all-terrain vehicle or the property of  
34 17 another person, or to the property owner or tenant when the  
34 18 all-terrain vehicle is being operated on private property  
34 19 without permission from the property owner or tenant.

34 20 If an all-terrain vehicle is placed in storage, the owner  
34 21 shall return the current registration certificate to the  
34 22 county recorder with an affidavit stating that the all-terrain  
34 23 vehicle is placed in storage and the effective date of  
34 24 storage. The county recorder shall notify the commission of  
34 25 each all-terrain vehicle placed in storage. When the owner of  
34 26 a stored all-terrain vehicle desires to renew the  
34 27 registration, the owner shall make application to the county  
34 28 recorder and pay the registration and writing fees without  
34 29 penalty. A refund of the registration fee shall not be  
34 30 allowed for a stored all-terrain vehicle.

34 31 Sec. 48. NEW SECTION. 321I.5 NONRESIDENT USER PERMITS.

34 32 A nonresident wishing to operate an all-terrain vehicle,  
34 33 other than an all-terrain vehicle owned by a resident and  
34 34 registered pursuant to this chapter, on public land or ice of  
34 35 this state shall first obtain a user permit from the  
35 1 department. A user permit shall be issued for the all-terrain  
35 2 vehicle specified at the time of application and is not  
35 3 transferable. A user permit shall be valid for the calendar  
35 4 year specified in the permit.

35 5 User permits may be issued by a county recorder or a  
35 6 license depository pursuant to rules adopted by the  
35 7 commission. The fee for a user permit shall be fifteen  
35 8 dollars plus an administrative fee established by the  
35 9 commission. A county recorder shall retain a writing fee of  
35 10 one dollar from the sale of each user permit issued by the  
35 11 county recorder's office. The writing fees retained by the  
35 12 county recorder shall be deposited in the general fund of the  
35 13 county. A license depository designated by the director  
35 14 pursuant to section 483A.11 shall retain a writing fee of one  
35 15 dollar from the sale of each permit issued by the agent.

35 16 Sec. 49. NEW SECTION. 321I.6 DISPLAY OF IDENTIFICATION  
35 17 NUMBERS.

35 18 The owner shall display the identification number on an  
35 19 all-terrain vehicle in the manner prescribed by rules of the

35 20 commission.  
35 21 Sec. 50. NEW SECTION. 321I.7 REGISTRATION == RENEWAL ==  
35 22 TRANSFER.  
35 23 1. a. Every all-terrain vehicle registration certificate  
35 24 and number issued expires at midnight December 31 unless  
35 25 sooner terminated or discontinued in accordance with this  
35 26 chapter. After the first day of September each year, an  
35 27 unregistered all-terrain vehicle may be registered or a  
35 28 registration may be renewed for the subsequent year beginning  
35 29 January 1.  
35 30 b. After the first day of September an unregistered all-  
35 31 terrain vehicle may be registered for the remainder of the  
35 32 current registration year and for the subsequent registration  
35 33 year in one transaction. The fee shall be five dollars for  
35 34 the remainder of the current year, in addition to the  
35 35 registration fee of fifteen dollars for the subsequent year  
36 1 beginning January 1, and a writing fee. Registration  
36 2 certificates and numbers may be renewed upon application of  
36 3 the owner in the same manner as provided in securing the  
36 4 original registration. The all-terrain vehicle registration  
36 5 fee is in lieu of personal property tax for each year of the  
36 6 registration.  
36 7 2. An expired all-terrain vehicle registration may be  
36 8 renewed for the same fee as if the owner is securing the  
36 9 original registration plus a penalty of five dollars and a  
36 10 writing fee.  
36 11 3. When a person, after registering an all-terrain  
36 12 vehicle, moves from the address shown on the registration  
36 13 certificate, the person shall, within thirty days, notify the  
36 14 county recorder in writing of the move and the person's new  
36 15 address.  
36 16 4. Upon the transfer of ownership of an all-terrain  
36 17 vehicle, the owner shall complete the form on the back of the  
36 18 title, if any, and registration, if any, and deliver both to  
36 19 the purchaser or transferee when the all-terrain vehicle is  
36 20 delivered. If the all-terrain vehicle is not titled, the  
36 21 owner shall complete the form on the back of the current  
36 22 registration certificate and shall deliver the certificate to  
36 23 the purchaser or transferee at the time of delivering the all-  
36 24 terrain vehicle. If the all-terrain vehicle has not been  
36 25 titled and has not been registered, the owner shall deliver an  
36 26 affidavit for an unregistered and untitled all-terrain vehicle  
36 27 to the purchaser or transferee. The purchaser or transferee  
36 28 shall, within thirty days of transfer, file a new application  
36 29 form with the county recorder with a fee of one dollar and the  
36 30 writing fee, and a transfer of number shall be awarded in the  
36 31 same manner as provided in an original registration. If the  
36 32 purchaser or transferee does not file a new application form  
36 33 within thirty days of transfer, the transfer of number shall  
36 34 be awarded upon payment of all applicable fees plus a penalty  
36 35 of five dollars.  
37 1 All registrations must be valid for the current  
37 2 registration period prior to the transfer of any registration,  
37 3 including assignment to a dealer.  
37 4 5. Duplicate registrations may be issued upon application  
37 5 to the county recorder and the payment of the same fees  
37 6 collected for the transfer of registrations.  
37 7 6. A motorcycle, as defined in section 321.1, subsection  
37 8 40, paragraph "a", may be registered as an all-terrain vehicle  
37 9 as provided in this section. A motorcycle registered as an  
37 10 all-terrain vehicle may participate in all programs  
37 11 established for all-terrain vehicles under this chapter except  
37 12 for the safety instruction and certification program.  
37 13 Sec. 51. NEW SECTION. 321I.8 FEES REMITTED TO COMMISSION  
37 14 == APPROPRIATION.  
37 15 Within ten days after the end of each month, a county  
37 16 recorder shall remit to the commission the all-terrain vehicle  
37 17 fees collected by the recorder during the previous month.  
37 18 Before January 10 of each year, a recorder shall remit to the  
37 19 commission unused license forms from the previous year.  
37 20 The department shall remit the fees, including user fees  
37 21 collected pursuant to section 321I.5, to the treasurer of  
37 22 state, who shall place the money in a special all-terrain  
37 23 vehicle fund. The money is appropriated to the department for  
37 24 the all-terrain vehicle programs of the state. The programs  
37 25 shall include grants, subgrants, contracts, or cost-sharing of  
37 26 all-terrain vehicle programs with political subdivisions or  
37 27 incorporated private organizations or both in accordance with  
37 28 rules adopted by the commission. All-terrain vehicle fees may  
37 29 be used for the establishment, maintenance, and operation of  
37 30 all-terrain vehicle recreational riding areas through the

37 31 awarding of grants administered by the department. All=  
37 32 terrain vehicle recreational riding areas established,  
37 33 maintained, or operated by the use of such grants shall not be  
37 34 operated for profit. All programs using cost-sharing, grants,  
37 35 subgrants, or contracts shall establish and implement a safety  
38 1 instruction program either singly or in cooperation with other  
38 2 all-terrain vehicle programs. All-terrain vehicle fees may be  
38 3 used to support all-terrain vehicle programs on a usage basis.  
38 4 At least fifty percent of the special fund shall be available  
38 5 for political subdivisions or incorporated private  
38 6 organizations or both. Moneys from the special fund not used  
38 7 by the political subdivisions or incorporated private  
38 8 organizations or both shall remain in the fund and may be used  
38 9 by the department for the administration of the all-terrain  
38 10 vehicle programs. Notwithstanding section 8.33, moneys in the  
38 11 special fund shall not revert to the general fund of the state  
38 12 at the end of a fiscal year. Notwithstanding section 12C.7,  
38 13 subsection 2, interest or earnings on moneys in the special  
38 14 fund shall remain in the fund.

38 15 Sec. 52. NEW SECTION. 321I.9 EXEMPT VEHICLES.

38 16 Registration shall not be required for the following  
38 17 described all-terrain vehicles:

38 18 1. All-terrain vehicles owned and used by the United  
38 19 States, another state, or a political subdivision of another  
38 20 state.

38 21 2. All-terrain vehicles registered in a country other than  
38 22 the United States used within this state for not more than  
38 23 twenty consecutive days.

38 24 3. All-terrain vehicles covered by a valid license of  
38 25 another state and which have not been within this state for  
38 26 more than twenty consecutive days.

38 27 4. All-terrain vehicles not registered or licensed in  
38 28 another state or country being used in this state while  
38 29 engaged in a special event and not remaining in the state for  
38 30 a period of more than ten days.

38 31 5. All-terrain vehicles used in accordance with section  
38 32 321.234A, subsection 1, paragraph "a".

38 33 6. All-terrain vehicles used exclusively as farm  
38 34 implements.

38 35 Sec. 53. NEW SECTION. 321I.10 OPERATION ON ROADWAYS AND  
39 1 HIGHWAYS == SNOWMOBILE TRAILS.

39 2 1. A person shall not operate an all-terrain vehicle upon  
39 3 roadways or highways except as provided in section 321.234A  
39 4 and this section.

39 5 2. A registered all-terrain vehicle may be operated on the  
39 6 roadways of that portion of county highways designated by the  
39 7 county board of supervisors for such use during a specified  
39 8 period. The county board of supervisors shall evaluate the  
39 9 traffic conditions on all county highways and designate  
39 10 roadways on which all-terrain vehicles may be operated for the  
39 11 specified period without unduly interfering with or  
39 12 constituting an undue hazard to conventional motor vehicle  
39 13 traffic. Signs warning of the operation of all-terrain  
39 14 vehicles on the roadway shall be placed and maintained on the  
39 15 portions of highway thus designated during the period  
39 16 specified for the operation.

39 17 3. All-terrain vehicles shall not be operated on  
39 18 snowmobile trails except where designated by the controlling  
39 19 authority and the primary snowmobile trail sponsor.

39 20 Sec. 54. NEW SECTION. 321I.11 ACCIDENT REPORTS.

39 21 If an all-terrain vehicle is involved in an accident  
39 22 resulting in injury or death to anyone or property damage  
39 23 amounting to one thousand dollars or more, either the operator  
39 24 or someone acting for the operator shall immediately notify  
39 25 the county sheriff or another law enforcement agency in the  
39 26 state. If the accident occurred on public land or ice under  
39 27 the jurisdiction of the commission, the operator shall file  
39 28 with the commission a report of the accident, within seventy=  
39 29 two hours, containing information as the commission may  
39 30 require. All other accidents shall be reported as required in  
39 31 section 321.266.

39 32 Sec. 55. NEW SECTION. 321I.12 MUFFLERS REQUIRED ==  
39 33 INSPECTIONS.

39 34 1. An all-terrain vehicle shall not be operated without  
39 35 suitable and effective muffling devices which limit engine  
40 1 noise to not more than eighty=six decibels as measured on the  
40 2 "A" scale at a distance of fifty feet.

40 3 2. The commission may adopt rules with respect to the  
40 4 inspection of all-terrain vehicles and testing of their  
40 5 mufflers.

40 6 Sec. 56. NEW SECTION. 321I.13 HEADLAMP == TAIL LAMP ==

40 7 BRAKES.

40 8 Every all-terrain vehicle operated during the hours of  
40 9 darkness shall display a lighted headlamp and tail lamp.

40 10 Every all-terrain vehicle shall be equipped with brakes.

40 11 Sec. 57. NEW SECTION. 321I.14 UNLAWFUL OPERATION.

40 12 1. A person shall not drive or operate an all-terrain  
40 13 vehicle:

40 14 a. At a rate of speed greater than reasonable or proper  
40 15 under all existing circumstances.

40 16 b. In a careless, reckless, or negligent manner so as to  
40 17 endanger the person or property of another or to cause injury  
40 18 or damage thereto.

40 19 c. While under the influence of intoxicating liquor or  
40 20 narcotics or habit-forming drugs.

40 21 d. Without a lighted headlight and taillight from sunset  
40 22 to sunrise and at such other times when conditions provide  
40 23 insufficient lighting to render clearly discernible persons  
40 24 and vehicles at a distance of five hundred feet ahead.

40 25 e. In any tree nursery or planting in a manner which  
40 26 damages or destroys growing stock.

40 27 f. On any public land, ice, or snow, in violation of  
40 28 official signs of the commission prohibiting such operation in  
40 29 the interest of safety for persons, property, or the  
40 30 environment. Any officer appointed by the commission may post  
40 31 an official sign in an emergency for the protection of  
40 32 persons, property, or the environment.

40 33 g. In or on any park or fish and game areas except on  
40 34 designated all-terrain vehicle trails.

40 35 h. Upon an operating railroad right-of-way. An all-  
41 1 terrain vehicle may be driven directly across a railroad  
41 2 right-of-way only at an established crossing and,  
41 3 notwithstanding any other provisions of law, may, if  
41 4 necessary, use the improved portion of the established  
41 5 crossing after yielding to all oncoming traffic. This  
41 6 paragraph does not apply to a law enforcement officer or  
41 7 railroad employee in the lawful discharge of the officer's or  
41 8 employee's duties or to an employee of a utility with  
41 9 authority to enter upon the railroad right-of-way in the  
41 10 lawful performance of the employee's duties.

41 11 2. A person shall not operate or ride an all-terrain  
41 12 vehicle with a firearm in the person's possession unless it is  
41 13 unloaded and enclosed in a carrying case. However, a  
41 14 nonambulatory person may carry an uncased and unloaded firearm  
41 15 while operating or riding an all-terrain vehicle.

41 16 3. A person shall not operate an all-terrain vehicle with  
41 17 more persons on the vehicle than it was designed to carry.

41 18 Sec. 58. NEW SECTION. 321I.15 PENALTY.

41 19 A person who violates this chapter or a rule of the  
41 20 commission or director of transportation is guilty of a simple  
41 21 misdemeanor.

41 22 Chapter 232 shall have no application in the prosecution of  
41 23 offenses which are committed in violation of this chapter, and  
41 24 which constitute simple misdemeanors.

41 25 Sec. 59. NEW SECTION. 321I.16 OPERATION PENDING

41 26 REGISTRATION.

41 27 The commission shall furnish all-terrain vehicle dealers  
41 28 with pasteboard cards bearing the words "registration applied  
41 29 for" and space for the date of purchase. An unregistered all-  
41 30 terrain vehicle sold by a dealer shall bear one of these cards  
41 31 which entitles the purchaser to operate it for ten days  
41 32 immediately following the purchase. The purchaser of a  
41 33 registered all-terrain vehicle may operate it for ten days  
41 34 immediately following the purchase, without having completed a  
41 35 transfer of registration. An all-terrain vehicle dealer shall  
42 1 make application and pay all registration and title fees if  
42 2 applicable on behalf of the purchaser of an all-terrain  
42 3 vehicle.

42 4 Sec. 60. NEW SECTION. 321I.17 SPECIAL EVENTS.

42 5 The department may authorize the holding of organized  
42 6 special events as defined in this chapter within this state.  
42 7 The department shall adopt rules relating to the conduct of  
42 8 special events held under department permits and designating  
42 9 the equipment and facilities necessary for safe operation of  
42 10 all-terrain vehicles or for the safety of operators,  
42 11 participants, and observers in the special events. A special  
42 12 event for all-terrain vehicles may include motorcycles upon  
42 13 payment of an entrance fee set by the organizer of the special  
42 14 event. The department may require that part of the motorcycle  
42 15 entrance fee be credited to pay costs of all-terrain vehicle  
42 16 programs authorized pursuant to section 321I.8. At least  
42 17 thirty days before the scheduled date of a special event in

42 18 this state, an application shall be filed with the department  
42 19 for authorization to conduct the special event. The  
42 20 application shall set forth the date, time, and location of  
42 21 the proposed special event and any other information the  
42 22 department requires. The special event shall not be conducted  
42 23 without written authorization of the department. Copies of  
42 24 the rules shall be furnished by the department to any person  
42 25 making an application.

42 26 Sec. 61. NEW SECTION. 321I.18 VIOLATION OF STOP SIGNAL.

42 27 A person, after having received a visual or audible signal  
42 28 from a peace officer to come to a stop, shall not operate an  
42 29 all-terrain vehicle in willful or wanton disregard of the  
42 30 signal or interfere with or endanger the officer or any other  
42 31 person or vehicle, or increase speed or attempt to flee or  
42 32 elude the officer.

42 33 Sec. 62. NEW SECTION. 321I.19 NEGLIGENCE.

42 34 The owner and operator of an all-terrain vehicle are liable  
42 35 for any injury or damage occasioned by the negligent operation  
43 1 of the all-terrain vehicle. The owner of an all-terrain  
43 2 vehicle shall be liable for any such injury or damage only if  
43 3 the owner was the operator of the all-terrain vehicle at the  
43 4 time the injury or damage occurred or if the operator had the  
43 5 owner's consent to operate the all-terrain vehicle at the time  
43 6 the injury or damage occurred.

43 7 Sec. 63. NEW SECTION. 321I.20 RENTED ALL-TERRAIN  
43 8 VEHICLES.

43 9 1. The owner of a rented all-terrain vehicle shall keep a  
43 10 record of the name and address of each person renting the all-  
43 11 terrain vehicle, its registration number, the departure date  
43 12 and time, and the expected time of return. The records shall  
43 13 be preserved for six months.

43 14 2. The owner of an all-terrain vehicle operated for hire  
43 15 shall not permit the use or operation of a rented all-terrain  
43 16 vehicle unless it has been provided with all equipment  
43 17 required by this chapter or rules of the commission or the  
43 18 director of transportation, properly installed and in good  
43 19 working order.

43 20 Sec. 64. NEW SECTION. 321I.21 MINORS UNDER TWELVE.

43 21 A person under twelve years of age shall not operate an  
43 22 all-terrain vehicle on public lands unless the person is  
43 23 taking a prescribed safety training course under the direct  
43 24 supervision of a certified all-terrain vehicle safety  
43 25 instructor and a parent or guardian.

43 26 Sec. 65. NEW SECTION. 321I.22 MANUFACTURER, DISTRIBUTOR,  
43 27 OR DEALER == SPECIAL REGISTRATION.

43 28 1. A manufacturer, distributor, or dealer owning an all-  
43 29 terrain vehicle required to be registered under this chapter  
43 30 may operate the all-terrain vehicle for purposes of  
43 31 transporting, testing, demonstrating, or selling it without  
43 32 the all-terrain vehicle being registered, except that a  
43 33 special identification number issued to the owner as provided  
43 34 in this chapter shall be displayed on the all-terrain vehicle.  
43 35 The special identification number shall not be used on an all-  
44 1 terrain vehicle offered for hire or for any work or service  
44 2 performed by a manufacturer, distributor, or dealer.

44 3 2. Any manufacturer, distributor, or dealer may, upon  
44 4 payment of a fee of fifteen dollars, make application to the  
44 5 commission, upon forms prescribed by the commission, for a  
44 6 special registration certificate containing a general  
44 7 identification number and for one or more duplicate special  
44 8 registration certificates. The applicant shall submit  
44 9 reasonable proof of the applicant's status as a bona fide  
44 10 manufacturer, distributor, or dealer as may be required by the  
44 11 commission.

44 12 3. The commission, upon granting an application, shall  
44 13 issue to the applicant a special registration certificate  
44 14 containing the applicant's name and address, the general  
44 15 identification number assigned to the applicant, the word  
44 16 "manufacturer", "dealer", or "distributor", and other  
44 17 information the commission prescribes. The manufacturer,  
44 18 distributor, or dealer shall have the assigned number printed  
44 19 upon or attached to a removable sign or signs which may be  
44 20 temporarily but firmly mounted or attached to the all-terrain  
44 21 vehicle being used. The display shall meet the requirements  
44 22 of this chapter and the rules of the commission.

44 23 4. The commission shall also issue duplicate special  
44 24 registration certificates which shall have displayed thereon  
44 25 the general identification number assigned to the applicant.  
44 26 Each duplicate registration certificate so issued shall  
44 27 contain a number or symbol identifying it from every other  
44 28 duplicate special registration certificate bearing the same

44 29 general identification number. The fee for each additional  
44 30 duplicate special registration certificate shall be two  
44 31 dollars.

44 32 5. Each special registration certificate issued hereunder  
44 33 shall expire on December 31 of each year, and a new special  
44 34 registration certificate for the ensuing twelve months may be  
44 35 obtained upon application to the commission and payment of the  
45 1 fee provided by law.

45 2 6. Every manufacturer, distributor, or dealer shall keep a  
45 3 written record of the all-terrain vehicles upon which special  
45 4 registration certificates are used, which record shall be open  
45 5 to inspection by any law enforcement officer or any officer or  
45 6 employee of the commission.

45 7 7. If a manufacturer, distributor, or dealer has an  
45 8 established place of business in more than one location, the  
45 9 manufacturer, distributor, or dealer shall secure a separate  
45 10 and distinct special registration certificate and general  
45 11 identification number for each place of business.

45 12 8. Dealers using special certificates under this chapter  
45 13 shall, before January 10 of each year, furnish the commission  
45 14 with a list of all used all-terrain vehicles held by them for  
45 15 sale or trade, and upon which the registration fee for the  
45 16 current year has not been paid, giving the previous  
45 17 registration number, name of previous owner at the time the  
45 18 all-terrain vehicle was transferred to the dealer, and other  
45 19 information the commission requires.

45 20 9. If the purchaser or transferee of an all-terrain  
45 21 vehicle is a dealer who holds the same for resale and operates  
45 22 the all-terrain vehicle only for purposes incidental to a  
45 23 resale and displays the special dealer's certificate, or does  
45 24 not operate the all-terrain vehicle or permit it to be  
45 25 operated, the transferee is not required to obtain a new  
45 26 registration certificate but upon transferring title or  
45 27 interest to another person shall sign the reverse side of the  
45 28 title, if any, and the registration certificate of the all-  
45 29 terrain vehicle indicating the name and address of the new  
45 30 purchaser. A dealer shall make application and pay all  
45 31 registration and title fees if applicable on behalf of the  
45 32 purchaser of an all-terrain vehicle. The recorder shall award  
45 33 a transfer of the registration number. If the registration  
45 34 has expired while in the dealer's possession, the purchaser  
45 35 may renew the registration for the same fee and writing fee as  
46 1 if the purchaser is securing the original registration.

46 2 10. When a dealer purchases or otherwise acquires an all-  
46 3 terrain vehicle registered in this state, the dealer shall  
46 4 issue a signed receipt to the previous owner, indicating the  
46 5 date of purchase or acquisition, the name and address of the  
46 6 previous owner, and the registration number of the all-terrain  
46 7 vehicle purchased or acquired. The original receipt shall be  
46 8 delivered to the previous owner and one copy shall be mailed  
46 9 or delivered by the dealer to the county recorder of the  
46 10 county in which the all-terrain vehicle is registered, and one  
46 11 copy shall be delivered to the commission within forty-eight  
46 12 hours.

46 13 11. Nothing in this section shall prohibit a dealer from  
46 14 obtaining a new registration and transfer of registration in  
46 15 the same manner as other purchasers.

46 16 Sec. 66. NEW SECTION. 321I.23 LIMITATION OF LIABILITY BY  
46 17 PUBLIC BODIES AND ADJOINING OWNERS.

46 18 The state, its political subdivisions, and the owners or  
46 19 tenants of property adjoining public lands or the right-of-way  
46 20 of a public highway and their agents and employees owe no duty  
46 21 of care to keep the public lands, ditches, or land contiguous  
46 22 to a highway or roadway under the control of the state or a  
46 23 political subdivision safe for entry or use by persons  
46 24 operating an all-terrain vehicle, or to give any warning of a  
46 25 dangerous condition, use, structure, or activity on the  
46 26 premises to persons entering for such purposes, except in the  
46 27 case of willful or malicious failure to guard or warn against  
46 28 a dangerous condition, use, structure, or activity. The  
46 29 state, its political subdivisions, and the owners or tenants  
46 30 of property adjoining public lands or the right-of-way of a  
46 31 public highway and their agents and employees are not liable  
46 32 for actions taken to allow or facilitate the use of public  
46 33 lands, ditches, or land contiguous to a highway or roadway  
46 34 except in the case of a willful or malicious failure to guard  
46 35 or warn against a dangerous condition, use, structure, or  
47 1 activity.

47 2 This section does not create a duty of care or ground of  
47 3 liability on behalf of the state, its political subdivisions,  
47 4 or the owners or tenants of property adjoining public lands or

47 5 the right-of-way of a public highway and their agents and  
47 6 employees for injury to persons or property in the operation  
47 7 of all-terrain vehicles in a ditch or on land contiguous to a  
47 8 highway or roadway under the control of the state or a  
47 9 political subdivision. The state, its political subdivisions,  
47 10 and the owners or tenants of property adjoining public lands  
47 11 or the right-of-way of a public highway and their agents and  
47 12 employees are not liable for the operation of an all-terrain  
47 13 vehicle in violation of this chapter.

47 14 Sec. 67. NEW SECTION. 321I.23A RECREATIONAL RIDING AREA  
47 15 == LIMITATION OF LIABILITY OF PRIOR LANDOWNERS.

47 16 Prior owners of land on which an all-terrain vehicle  
47 17 recreational riding area is established, maintained, or  
47 18 operated owe no duty of care to keep the land safe for entry  
47 19 or use by persons operating an all-terrain vehicle or to give  
47 20 any warning of a dangerous condition, use, structure, or  
47 21 activity on such premises that would make the land unsafe for  
47 22 all-terrain vehicle usage.

47 23 Sec. 68. NEW SECTION. 321I.24 COURSE OF INSTRUCTION.

47 24 1. The commission shall provide, by rules adopted pursuant  
47 25 to section 321I.2, for the establishment of certified courses  
47 26 of instruction to be conducted throughout the state for the  
47 27 safe use and operation of all-terrain vehicles. The  
47 28 curriculum shall include instruction in the lawful and safe  
47 29 use, operation, and equipping of all-terrain vehicles  
47 30 consistent with this chapter and rules adopted by the  
47 31 commission and the director of transportation and other  
47 32 matters the commission deems pertinent for a qualified all-  
47 33 terrain vehicle operator.

47 34 2. The commission may certify any experienced, qualified  
47 35 operator to be an instructor of a class established under  
48 1 subsection 1. Each instructor shall be at least eighteen  
48 2 years of age.

48 3 3. Upon completion of the course of instruction, the  
48 4 commission shall provide for the administration of a written  
48 5 test to any student who wishes to qualify for a safety  
48 6 certificate.

48 7 4. The commission shall provide safety material relating  
48 8 to the operation of all-terrain vehicles for the use of  
48 9 nonpublic or public elementary and secondary schools in this  
48 10 state.

48 11 Sec. 69. NEW SECTION. 321I.25 SAFETY CERTIFICATE == FEE.

48 12 1. A person under eighteen years of age shall not operate  
48 13 an all-terrain vehicle on public land or ice or land purchased  
48 14 with all-terrain vehicle registration funds in this state  
48 15 without obtaining a valid safety certificate issued by the  
48 16 department and having the certificate in the person's  
48 17 possession.

48 18 2. Upon application and payment of a fee of five dollars,  
48 19 a qualified applicant shall be issued a safety certificate  
48 20 which is valid until the certificate is suspended or revoked  
48 21 for a violation of a provision of this chapter or a rule of  
48 22 the commission or the director of transportation. The  
48 23 application shall be made on forms issued by the commission  
48 24 and shall contain information as the commission may reasonably  
48 25 require.

48 26 3. Any person who is required to have a safety certificate  
48 27 under this chapter and who has completed a course of  
48 28 instruction established under section 321I.2, subsection 5,  
48 29 including the successful passage of an examination which  
48 30 includes a written test relating to such course of  
48 31 instruction, shall be considered qualified to apply for a  
48 32 safety certificate. The commission may waive the requirement  
48 33 of completing such course of instruction if such person  
48 34 successfully passes a written test based on such course of  
48 35 instruction.

49 1 4. The permit fees collected under this section shall be  
49 2 credited to the special all-terrain vehicle fund and shall be  
49 3 used for safety and educational programs.

49 4 5. A valid all-terrain vehicle safety certificate or  
49 5 license issued to a nonresident by a governmental authority of  
49 6 another state shall be considered a valid certificate or  
49 7 license in this state if the permit or license requirements of  
49 8 the governmental authority, excluding fees, are substantially  
49 9 the same as the requirements of this chapter as determined by  
49 10 the commission.

49 11 Sec. 70. NEW SECTION. 321I.26 STOPPING AND INSPECTING ==  
49 12 WARNINGS.

49 13 A peace officer may stop and inspect an all-terrain vehicle  
49 14 operated, parked, or stored on public streets, highways,  
49 15 public lands, or frozen waters of the state to determine if

49 16 the all-terrain vehicle is registered, numbered, or equipped  
49 17 as required by this chapter and commission rules. The officer  
49 18 shall not inspect an area that is not essential to determine  
49 19 compliance with the requirements. If the officer determines  
49 20 that the all-terrain vehicle is not in compliance, the officer  
49 21 may issue a warning memorandum to the operator and forward a  
49 22 copy to the commission. The warning memorandum shall indicate  
49 23 the items found not in compliance and shall direct the owner  
49 24 or operator of the all-terrain vehicle to have the all-terrain  
49 25 vehicle in compliance and return a copy of the warning  
49 26 memorandum with the proof of compliance to the commission  
49 27 within fourteen days. If the proof of compliance is not  
49 28 provided within fourteen days, the owner or operator is in  
49 29 violation of this chapter.

49 30 Sec. 71. NEW SECTION. 321I.27 TERMINATION OF USE.

49 31 A person who receives a warning memorandum for an all-  
49 32 terrain vehicle shall stop using the all-terrain vehicle as  
49 33 soon as possible and shall not operate it on public streets,  
49 34 highways, public lands, or frozen waters of the state until  
49 35 the all-terrain vehicle is in compliance.

50 1 Sec. 72. NEW SECTION. 321I.28 WRITING FEES.

50 2 The county recorder shall collect a writing fee of one  
50 3 dollar and twenty-five cents for an all-terrain vehicle  
50 4 registration.

50 5 Sec. 73. NEW SECTION. 321I.29 CONSISTENT LOCAL LAWS ==  
50 6 SPECIAL LOCAL RULES.

50 7 1. This chapter and other applicable laws of this state  
50 8 shall govern the operation, equipment, numbering, and all  
50 9 other matters relating to an all-terrain vehicle when the all-  
50 10 terrain vehicle is operated or maintained in this state.  
50 11 However, this chapter does not prevent the adoption of an  
50 12 ordinance or local law relating to the operation or equipment  
50 13 of all-terrain vehicles. The ordinances or local laws are  
50 14 operative only so long as they are not inconsistent with this  
50 15 chapter or the rules adopted by the commission.

50 16 2. A subdivision of this state, after public notice by  
50 17 publication in a newspaper having a general circulation in the  
50 18 subdivision, may make formal application to the commission for  
50 19 special rules concerning the operation of all-terrain vehicles  
50 20 within the territorial limits of the subdivision and shall  
50 21 provide the commission with the reasons the special rules are  
50 22 necessary.

50 23 3. The commission, upon application by local authorities  
50 24 and in conformity with this chapter, may make special rules  
50 25 concerning the operation of all-terrain vehicles within the  
50 26 territorial limits of a subdivision of this state.

50 27 Sec. 74. NEW SECTION. 321I.30 OWNER'S CERTIFICATE OF  
50 28 TITLE == IN GENERAL.

50 29 1. The owner of an all-terrain vehicle acquired on or  
50 30 after January 1, 2000, other than an all-terrain vehicle used  
50 31 exclusively as a farm implement or a motorcycle previously  
50 32 issued a title pursuant to chapter 321, shall apply to the  
50 33 county recorder of the county in which the owner resides for a  
50 34 certificate of title for the all-terrain vehicle. The owner  
50 35 of an all-terrain vehicle used exclusively as a farm implement  
51 1 may obtain a certificate of title. A person who owns an all-  
51 2 terrain vehicle that is not required to have a certificate of  
51 3 title may apply for and receive a certificate of title for the  
51 4 all-terrain vehicle and, subsequently, the all-terrain vehicle  
51 5 shall be subject to the requirements of this chapter as if the  
51 6 all-terrain vehicle were required to be titled. All all-  
51 7 terrain vehicles that are titled shall be registered.

51 8 2. A certificate of title shall contain the information  
51 9 and shall be issued on a form the department prescribes.

51 10 3. An owner of an all-terrain vehicle shall apply to the  
51 11 county recorder for issuance of a certificate of title within  
51 12 thirty days after acquisition. The application shall be on  
51 13 forms the department prescribes and accompanied by the  
51 14 required fee. The application shall be signed and sworn to  
51 15 before a notary public or other person who administers oaths,  
51 16 or shall include a certification signed in writing containing  
51 17 substantially the representation that statements made are true  
51 18 and correct to the best of the applicant's knowledge,  
51 19 information, and belief, under penalty of perjury. The  
51 20 application shall contain the date of sale and gross price of  
51 21 the all-terrain vehicle or the fair market value if no sale  
51 22 immediately preceded the transfer and any additional  
51 23 information the department requires. If the application is  
51 24 made for an all-terrain vehicle last previously registered or  
51 25 titled in another state or foreign country, the application  
51 26 shall contain this information and any other information the

51 27 department requires.

51 28 4. If a dealer buys or acquires an all-terrain vehicle for  
51 29 resale, the dealer shall report the acquisition to the county  
51 30 recorder on forms provided by the department and may apply for  
51 31 and obtain a certificate of title as provided in this chapter.  
51 32 If a dealer buys or acquires a used all-terrain vehicle, the  
51 33 dealer may apply for a certificate of title in the dealer's  
51 34 name within thirty days. If a dealer buys or acquires a new  
51 35 all-terrain vehicle for resale, the dealer may apply for a  
52 1 certificate of title in the dealer's name.

52 2 5. A manufacturer or dealer shall not transfer ownership  
52 3 of a new all-terrain vehicle without supplying the transferee  
52 4 with the manufacturer's or importer's certificate of origin  
52 5 signed by the manufacturer's or importer's authorized agent.  
52 6 The certificate shall contain information the department  
52 7 requires. The department may adopt rules providing for the  
52 8 issuance of a certificate of origin for an all-terrain vehicle  
52 9 by the department upon good cause shown by the owner.

52 10 6. A dealer transferring ownership of an all-terrain  
52 11 vehicle under this chapter shall assign the title to the new  
52 12 owner, or in the case of a new all-terrain vehicle, assign the  
52 13 certificate of origin. Within fifteen days the dealer shall  
52 14 forward all moneys and applications to the county recorder.

52 15 7. The county recorder shall maintain a record of any  
52 16 certificate of title which the county recorder issues and  
52 17 shall keep each certificate of title on record until the  
52 18 certificate of title has been inactive for five years. When  
52 19 issuing a title for a new all-terrain vehicle, the county  
52 20 recorder shall obtain and keep on file the certificate of  
52 21 origin. When issuing a title and registration for a used all-  
52 22 terrain vehicle for which there is no title or registration,  
52 23 the county recorder shall obtain and keep on file the  
52 24 affidavit for the unregistered and untitled all-terrain  
52 25 vehicle.

52 26 8. Once titled, a person shall not sell or transfer  
52 27 ownership of an all-terrain vehicle without delivering to the  
52 28 purchaser or transferee a certificate of title with an  
52 29 assignment on it showing title in the purchaser or transferee.  
52 30 A person shall not purchase or otherwise acquire an all-  
52 31 terrain vehicle without obtaining a certificate of title for  
52 32 it in that person's name.

52 33 9. If the county recorder is not satisfied as to the  
52 34 ownership of the all-terrain vehicle or that there are no  
52 35 undisclosed security interests in the all-terrain vehicle, the  
53 1 county recorder may issue a certificate of title for the all-  
53 2 terrain vehicle but, as a condition of such issuance, may  
53 3 require the applicant to file with the department a bond in  
53 4 the form prescribed by the department and executed by the  
53 5 applicant, and also executed by a person authorized to conduct  
53 6 a surety business in this state. The form and amount of the  
53 7 bond shall be established by rule of the department. The bond  
53 8 shall be conditioned to indemnify any prior owner and secured  
53 9 party and any subsequent purchaser of the all-terrain vehicle  
53 10 or person acquiring any security interest in the all-terrain  
53 11 vehicle, and their respective successors in interest, against  
53 12 any expense, loss, or damage, including reasonable attorney  
53 13 fees, by reason of the issuance of the certificate of title of  
53 14 the all-terrain vehicle or on account of any defect in or  
53 15 undisclosed security interest upon the right, title, and  
53 16 interest of the applicant in and to the all-terrain vehicle.  
53 17 Any such interested person has a right of action to recover on  
53 18 the bond for any breach of its conditions, but the aggregate  
53 19 liability of the surety to all persons shall not exceed the  
53 20 amount of the bond. The bond shall be returned at the end of  
53 21 three years or prior thereto if the all-terrain vehicle is no  
53 22 longer registered in this state and the certificate of title  
53 23 is surrendered to the department, unless the department has  
53 24 been notified of the pendency of an action to recover on the  
53 25 bond.

53 26 10. The county recorder shall transmit a copy of the  
53 27 certificate of title to the department, which shall be the  
53 28 central repository of title information for all-terrain  
53 29 vehicles.

53 30 11. A motorcycle that has been issued a certificate of  
53 31 title pursuant to this section may be issued a title pursuant  
53 32 to chapter 321 upon proper application and surrender of the  
53 33 existing title. Upon issuance of a title pursuant to chapter  
53 34 321, the certificate of title previously issued pursuant to  
53 35 this section shall be returned to the issuing county recorder.

54 1 Sec. 75. NEW SECTION. 321I.31 FEES == DUPLICATES.

54 2 1. The county recorder shall charge a ten dollar fee to

54 3 issue a certificate of title, a transfer of title, a  
54 4 duplicate, or a corrected certificate of title.  
54 5 2. If a certificate of title is lost, stolen, mutilated,  
54 6 destroyed, or becomes illegible, the first lienholder or, if  
54 7 there is none, the owner named in the certificate, as shown by  
54 8 the county recorder's records, shall within thirty days obtain  
54 9 a duplicate by applying to the county recorder. The applicant  
54 10 shall furnish information the department requires concerning  
54 11 the original certificate and the circumstances of its loss,  
54 12 mutilation, or destruction. Mutilated or illegible  
54 13 certificates shall be returned to the department with the  
54 14 application for a duplicate.

54 15 3. The duplicate certificate of title shall be marked  
54 16 plainly "duplicate" across its face and mailed or delivered to  
54 17 the applicant.

54 18 4. If a lost or stolen original certificate of title for  
54 19 which a duplicate has been issued is recovered, the original  
54 20 shall be surrendered promptly to the department for  
54 21 cancellation.

54 22 5. Five dollars of the certificate of title fees collected  
54 23 under this section shall be remitted by the county recorder to  
54 24 the treasurer of state for deposit in the special all-terrain  
54 25 vehicle fund created under section 321I.8. The remaining five  
54 26 dollars shall be retained by the county and deposited into the  
54 27 general fund of the county.

54 28 Sec. 76. NEW SECTION. 321I.32 TRANSFER OR REPOSSESSION  
54 29 BY OPERATION OF LAW.

54 30 1. If ownership of an all-terrain vehicle is transferred  
54 31 by operation of law, such as by inheritance, order in  
54 32 bankruptcy, insolvency, replevin, or execution sale, the  
54 33 transferee, within thirty days after acquiring the right to  
54 34 possession of the all-terrain vehicle, shall mail or deliver  
54 35 to the county recorder satisfactory proof of ownership as the  
55 1 county recorder requires, together with an application for a  
55 2 new certificate of title, and the required fee.

55 3 2. If a lienholder repossesses an all-terrain vehicle by  
55 4 operation of law and holds it for resale, the lienholder shall  
55 5 secure a new certificate of title and shall pay the required  
55 6 fee.

55 7 Sec. 77. NEW SECTION. 321I.33 SECURITY INTEREST ==  
55 8 PERFECTION AND TITLES == FEE.

55 9 1. A security interest created in this state in an all-  
55 10 terrain vehicle is not perfected until the security interest  
55 11 is noted on the certificate of title.

55 12 a. To perfect the security interest, an application for  
55 13 security interest must be presented along with the original  
55 14 title. The county recorder shall note the security interest  
55 15 on the face of the title and on the copy in the recorder's  
55 16 office.

55 17 b. The application fee for a security interest is ten  
55 18 dollars. Five dollars of the fee shall be credited to the  
55 19 special all-terrain vehicle fund created under section 321I.8.  
55 20 The remaining five dollars shall be retained by the county and  
55 21 deposited into the general fund of the county.

55 22 2. The certificate of title shall be presented to the  
55 23 county recorder when the application for security interest or  
55 24 for assignment of the security interest is presented and a new  
55 25 or endorsed certificate of title shall be issued to the  
55 26 secured party with the name and address of the secured party  
55 27 upon it.

55 28 3. The secured party shall present the certificate of  
55 29 title to the county recorder when a release statement is filed  
55 30 and a new or endorsed certificate shall be issued to the  
55 31 owner.

55 32 Sec. 78. NEW SECTION. 321I.34 VEHICLE IDENTIFICATION  
55 33 NUMBER.

55 34 1. The department may assign a distinguishing number to an  
55 35 all-terrain vehicle when the serial number on the all-terrain  
56 1 vehicle is destroyed or obliterated and issue to the owner a  
56 2 special plate bearing the distinguishing number which shall be  
56 3 affixed to the all-terrain vehicle in a position to be  
56 4 determined by the department. The all-terrain vehicle shall  
56 5 be registered and titled under the distinguishing number in  
56 6 lieu of the former serial number. Every all-terrain vehicle  
56 7 shall have a vehicle identification number assigned and  
56 8 affixed as required by the department.

56 9 2. The commission shall adopt, by rule, the procedures for  
56 10 application and for issuance of a vehicle identification  
56 11 number for homebuilt all-terrain vehicles.

56 12 3. A person shall not destroy, remove, alter, cover, or  
56 13 deface the manufacturer's vehicle identification number, the

56 14 plate bearing it, or any vehicle identification number the  
56 15 department assigns to an all-terrain vehicle without the  
56 16 department's permission.

56 17 4. A person other than a manufacturer who constructs or  
56 18 rebuilds an all-terrain vehicle for which there is no legible  
56 19 vehicle identification number shall submit to the department  
56 20 an affidavit which describes the all-terrain vehicle. In  
56 21 cooperation with the county recorder, the department shall  
56 22 assign a vehicle identification number to the all-terrain  
56 23 vehicle. The applicant shall permanently affix the vehicle  
56 24 identification number to the all-terrain vehicle in a manner  
56 25 that such alteration, removal, or replacement of the vehicle  
56 26 identification number would be obvious.

56 27 Sec. 79. Section 232.8, subsection 1, paragraph b, Code  
56 28 2003, is amended to read as follows:

56 29 b. Violations by a child of provisions of chapter 321,  
56 30 321G, 321I, 453A, 461A, 461B, 462A, 481A, 481B, 483A, 484A, or  
56 31 484B, which would be simple misdemeanors if committed by an  
56 32 adult, and violations by a child of county or municipal curfew  
56 33 or traffic ordinances, are excluded from the jurisdiction of  
56 34 the juvenile court and shall be prosecuted as simple  
56 35 misdemeanors as provided by law. A child convicted of a  
57 1 violation excluded from the jurisdiction of the juvenile court  
57 2 under this paragraph shall be sentenced pursuant to section  
57 3 805.8, where applicable, and pursuant to section 903.1,  
57 4 subsection 3, for all other violations.

57 5 Sec. 80. Section 321.1, subsection 32, unnumbered  
57 6 paragraph 1, Code Supplement 2003, is amended to read as  
57 7 follows:

57 8 "Implement of husbandry" means a vehicle or special mobile  
57 9 equipment manufactured, designed, or reconstructed for  
57 10 agricultural purposes and, except for incidental uses,  
57 11 exclusively used in the conduct of agricultural operations.

57 12 "Implements of husbandry" includes all-terrain vehicles  
57 13 operated in compliance with section 321.234A, subsection 1,  
57 14 paragraph "a", fence-line feeders, and vehicles used

57 15 exclusively for the application of organic or inorganic plant  
57 16 food materials, organic agricultural limestone, or  
57 17 agricultural chemicals. To be considered an implement of

57 18 husbandry, a self-propelled implement of husbandry must be  
57 19 operated at speeds of thirty-five miles per hour or less.

57 20 "Reconstructed" as used in this subsection means materially  
57 21 altered from the original construction by the removal,  
57 22 addition, or substitution of essential parts, new or used.

57 23 Sec. 81. Section 321.234A, Code 2003, is amended to read  
57 24 as follows:

57 25 321.234A ALL-TERRAIN VEHICLES == HIGHWAY USE.

57 26 1. All-terrain vehicles shall not be operated on a highway  
57 27 only unless one or more of the following conditions apply:

57 28 a. The operation is between sunrise and sunset and only  
57 29 when the operation on the highway is incidental to the  
57 30 vehicle's use for agricultural purposes.

57 31 b. The operation is incidental to the vehicle's use for  
57 32 the purpose of surveying by a licensed engineer or land  
57 33 surveyor.

57 34 c. The all-terrain vehicle is operated by an employee or  
57 35 agent of a political subdivision or public utility for the  
58 1 purpose of construction or maintenance on or adjacent to the  
58 2 highway.

58 3 d. The all-terrain vehicle is operated by an employee or  
58 4 agent of a public agency as defined in section 34.1 for the  
58 5 purpose of providing emergency services or rescue.

58 6 2. A person operating an all-terrain vehicle on a highway  
58 7 shall have a valid driver's license and the vehicle shall be  
58 8 operated at speeds of thirty-five miles per hour or less.

58 9 3. An all-terrain vehicle that is owned by the owner of  
58 10 land adjacent to a highway, other than an interstate road, may  
58 11 be operated by the owner of the all-terrain vehicle, or by a  
58 12 member of the owner's family, on the portion of the highway  
58 13 right-of-way that is between the shoulder of the roadway, or  
58 14 at least five feet from the edge of the roadway, and the  
58 15 owner's property line.

58 16 2- 4. A person convicted of a violation of this section is  
58 17 guilty of a simple misdemeanor punishable as a scheduled  
58 18 violation under section 805.8A, subsection 3, paragraph "f".

58 19 Sec. 82. Section 322D.1, subsection 1, Code Supplement  
58 20 2003, is amended to read as follows:

58 21 1. "All-terrain vehicle" means the same as defined in  
58 22 section ~~321G.1~~ 321I.1.

58 23 Sec. 83. Section 322F.1, subsection 2, Code Supplement  
58 24 2003, is amended to read as follows:

58 25 2. "All=terrain vehicle" means the same as defined in  
58 26 section ~~321G.1~~ 321I.1.

58 27 Sec. 84. Section 331.362, subsection 9, Code Supplement  
58 28 2003, is amended to read as follows:

58 29 9. A county may regulate traffic on and use of the  
58 30 secondary roads, in accordance with sections 321.236 to  
58 31 321.250, 321.254, 321.255, 321.285, subsection 5, sections  
58 32 321.352, 321.471 to 321.473, and other applicable provisions  
58 33 of chapter 321, and sections 321G.9, 321I.10, and 327G.15.

58 34 Sec. 85. Section 331.427, subsection 1, unnumbered  
58 35 paragraph 1, Code Supplement 2003, is amended to read as  
59 1 follows:

59 2 Except as otherwise provided by state law, county revenues  
59 3 from taxes and other sources for general county services shall  
59 4 be credited to the general fund of the county, including  
59 5 revenues received under sections 9I.11, 101A.3, 101A.7,  
59 6 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,  
59 7 321I.8, section 331.554, subsection 6, sections 341A.20,  
59 8 364.3, 368.21, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57,  
59 9 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 583.6, 602.8108,  
59 10 904.908, and 906.17, and the following:

59 11 Sec. 86. Section 331.602, subsection 16, Code Supplement  
59 12 2003, is amended to read as follows:

59 13 16. Issue snowmobile registrations and all=terrain vehicle  
59 14 registrations and user permits as provided in sections 321G.4,  
59 15 321G.6, ~~and~~ 321G.21, 321I.4, 321I.5, 321I.7, and 321I.22.

59 16 Sec. 87. Section 331.605, Code 2003, is amended by adding  
59 17 the following new subsection:

59 18 NEW SUBSECTION. 4A. For the issuance of all=terrain  
59 19 vehicle registrations and user permits, the fees specified in  
59 20 sections 321I.4 and 321I.5.

59 21 Sec. 88. Section 350.5, Code 2003, is amended to read as  
59 22 follows:

59 23 350.5 REGULATIONS == PENALTY == OFFICERS.

59 24 The county conservation board may make, alter, amend or  
59 25 repeal regulations for the protection, regulation, and control  
59 26 of all museums, parks, preserves, parkways, playgrounds,  
59 27 recreation centers, and other property under its control. The  
59 28 regulations shall not be contrary to, or inconsistent with,  
59 29 the laws of this state. The regulations shall not take effect  
59 30 until ten days after their adoption by the board and after  
59 31 their publication as provided in section 331.305 and after a  
59 32 copy of the regulations has been posted near each gate or  
59 33 principal entrance to the public ground to which they apply.  
59 34 After the publication and posting, a person violating a  
59 35 provision of the regulations which are then in effect is  
60 1 guilty of a simple misdemeanor. The board may designate the  
60 2 director and those employees as the director may designate as  
60 3 police officers who shall have all the powers conferred by law  
60 4 on police officers, peace officers, or sheriffs in the  
60 5 enforcement of the laws of this state and the apprehension of  
60 6 violators upon all property under its control within and  
60 7 without the county. The board may grant the director and  
60 8 those employees of the board designated as police officers the  
60 9 authority to enforce the provisions of chapters 321G, 321I,  
60 10 461A, 462A, 481A, and 483A on land not under the control of  
60 11 the board within the county.

60 12 Sec. 89. Section 455A.4, subsection 1, paragraph b, Code  
60 13 Supplement 2003, is amended to read as follows:

60 14 b. Provide overall supervision, direction, and  
60 15 coordination of functions to be administered by the  
60 16 administrators under chapters 321G, 321I, 455B, 455C, 456,  
60 17 456A, 456B, 457A, 458A, 459, subchapters I, II, III, IV, and  
60 18 VI, chapters 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,  
60 19 483A, 484A, and 484B.

60 20 Sec. 90. Section 455A.5, subsection 6, paragraphs a, b,  
60 21 and d, Code 2003, are amended to read as follows:

60 22 a. Establish policy and adopt rules, pursuant to chapter  
60 23 17A, necessary to provide for the effective administration of  
60 24 chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A,  
60 25 465C, 481A, 481B, 483A, 484A, or 484B.

60 26 b. Hear appeals in contested cases pursuant to chapter 17A  
60 27 on matters relating to actions taken by the director under  
60 28 chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A,  
60 29 465C, 481A, 481B, 483A, 484A, or 484B.

60 30 d. Approve the budget request prepared by the director for  
60 31 the programs authorized by chapters 321G, 321I, 456A, 456B,  
60 32 457A, 461A, 462A, 462B, 464A, 481A, 481B, 483A, 484A, and  
60 33 484B. The commission may increase, decrease, or strike any  
60 34 item within the department budget request for the specified  
60 35 programs before granting approval.

61 1 Sec. 91. Section 456A.14, Code 2003, is amended to read as  
61 2 follows:

61 3 456A.14 TEMPORARY APPOINTMENTS == PEACE OFFICER STATUS.  
61 4 The director may appoint temporary officers for a period  
61 5 not to exceed six months and may adopt minimum physical,  
61 6 educational, mental, and moral requirements for the temporary  
61 7 officers. Chapter 80B does not apply to the temporary  
61 8 officers. Temporary officers have all the powers of peace  
61 9 officers in the enforcement of this chapter and chapters 321G,  
61 10 321I, 456B, 461A, 461B, 462A, 462B, 463B, 465C, 481A, 481B,  
61 11 482, 483A, 484A, and 484B, and the trespass laws.

61 12 Sec. 92. Section 456A.24, subsection 12, Code 2003, is  
61 13 amended to read as follows:

61 14 12. Adopt rules authorizing officers and employees of the  
61 15 department who are peace officers to issue warning citations  
61 16 for violations of this chapter and chapters 321G, 321I, 350,  
61 17 456B, 457A, 461A through 461C, 462A, 462B, 463B, 464A, 465A  
61 18 through 465C, 481A, 481B, 482, 483A, 484A, and 484B.

61 19 Sec. 93. Section 805.8B, subsection 2, Code 2003, is  
61 20 amended to read as follows:

61 21 2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

61 22 a. For registration or user permit violations under  
61 23 ~~section sections~~ 321G.3 and 321I.3, the scheduled fine is  
61 24 twenty dollars. When the scheduled fine is paid, the violator  
61 25 shall submit sufficient proof that a valid registration or  
61 26 user permit has been obtained.

61 27 b. For operating violations under section 321G.9,  
61 28 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and  
61 29 321G.13, subsection 1, paragraph "d", sections 321I.10,  
61 30 321I.12, and 321I.14, subsection 1, paragraph "d", the  
61 31 scheduled fine is twenty dollars.

61 32 c. For improper or defective equipment under ~~section~~  
61 33 sections 321G.12 and 321I.13, the scheduled fine is ~~ten~~ twenty  
61 34 dollars.

61 35 d. For violations of ~~section sections~~ 321G.19 and 321I.20,  
62 1 the scheduled fine is ~~fifteen~~ twenty dollars.

62 2 e. For identification violations under ~~section sections~~  
62 3 321G.5 and 321I.6, the scheduled fine is ~~ten~~ twenty dollars.

62 4 Sec. 94. Section 805.16, subsection 1, Code 2003, is  
62 5 amended to read as follows:

62 6 1. Except as provided in subsection 2 of this section, a  
62 7 peace officer shall issue a police citation or uniform  
62 8 citation and complaint, in lieu of making a warrantless  
62 9 arrest, to a person under eighteen years of age accused of  
62 10 committing a simple misdemeanor under chapter 321, 321G, 321I,  
62 11 461A, 461B, 462A, 481A, 481B, 483A, 484A, 484B, or a local  
62 12 ordinance not subject to the jurisdiction of the juvenile  
62 13 court, and shall not detain or confine the person in a  
62 14 facility regulated under chapter 356 or 356A.

62 15 Sec. 95. Section 903.1, subsection 3, Code 2003, is  
62 16 amended to read as follows:

62 17 3. A person under eighteen years of age convicted of a  
62 18 simple misdemeanor under chapter 321, 321G, 321I, 453A, 461A,  
62 19 461B, 462A, 481A, 481B, 483A, 484A, or 484B, or a violation of  
62 20 a county or municipal curfew or traffic ordinance, except for  
62 21 an offense subject to section 805.8, may be required to pay a  
62 22 fine, not to exceed one hundred dollars, as fixed by the  
62 23 court, or may be required to perform community service as  
62 24 ordered by the court.

62 25 Sec. 96. Section 321G.22A, Code Supplement 2003, is  
62 26 repealed.

62 27 Sec. 97. APPLICABILITY == NEW REGISTRATIONS AND RENEWALS.  
62 28 The annual registration fees required for snowmobiles and all=  
62 29 terrain vehicles pursuant to this Act apply to new  
62 30 registrations and renewals effective for years beginning on or  
62 31 after January 1, 2005.

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62 35 \_\_\_\_\_  
63 1 JEFFREY M. LAMBERTI  
63 2 President of the Senate

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63 6 CHRISTOPHER C. RANTS  
63 7 Speaker of the House

63 8 I hereby certify that this bill originated in the Senate and  
63 9 is known as Senate File 297, Eightieth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2004

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THOMAS J. VILSACK  
Governor